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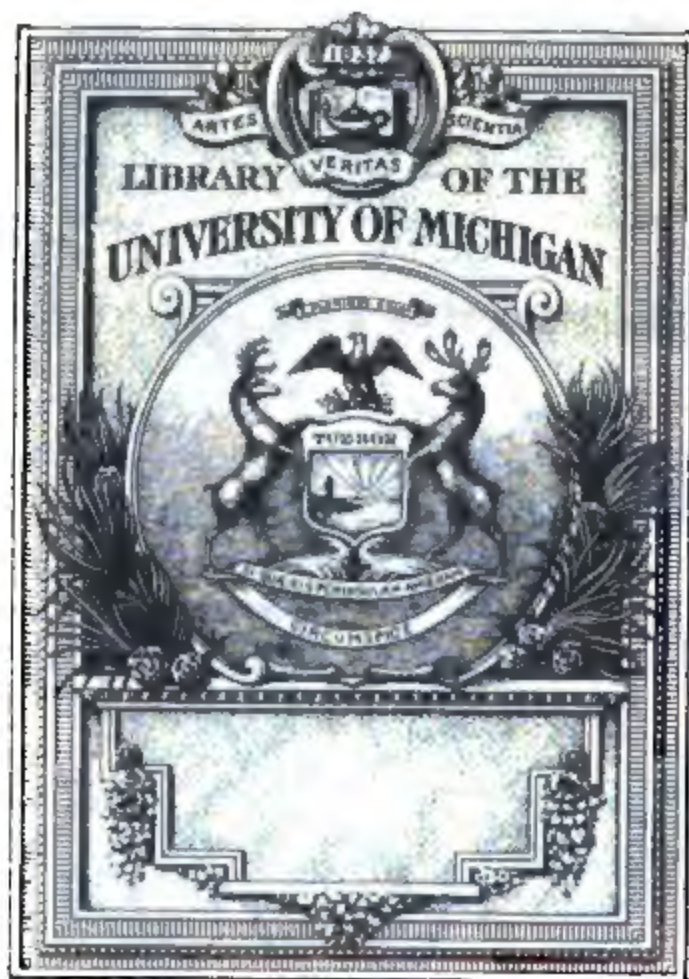
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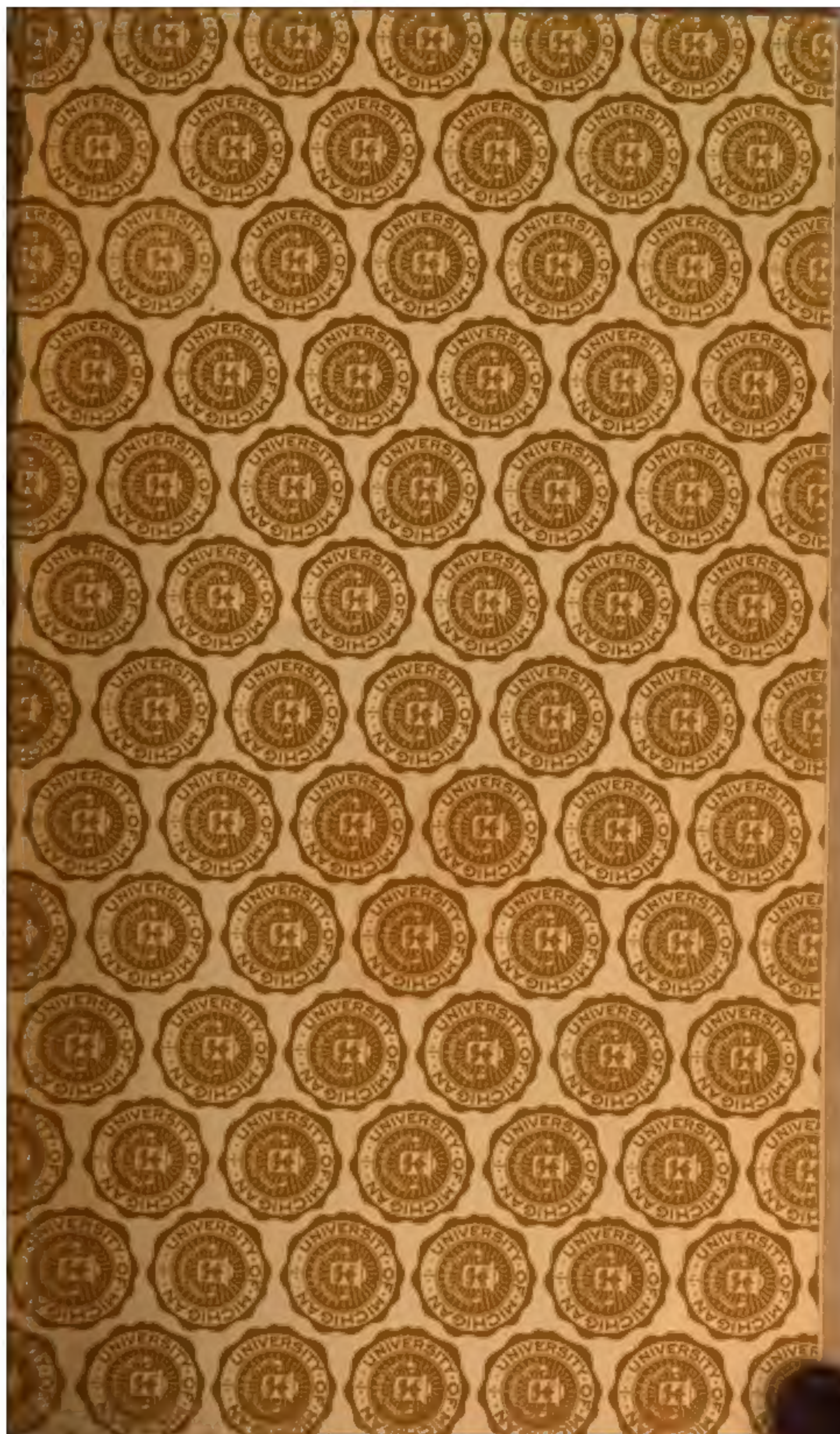
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THE

AMERICAN

245

ANNUAL REGISTER;

FOR THE YEARS 1825-~~6~~, 33

1826

OR,

THE FIFTIETH YEAR OF AMERICAN INDEPENDENCE.

NEW-YORK:

PUBLISHED BY G. & C. CARVILL, 108 BROADWAY.

1827.

**SOUTHERN DISTRICT OF NEW-YORK, ss.**

**BE** it remembered, that on the 19th day of May, A. D. 1827, in the fifty-first year of the Independence of the United States of America, G & C. Carvill, of the said district, have deposited in this office the title of a book, the right whereof they claim as proprietors in the words following, to wit :

**“The American Annual Register for the years 1825—6, or, the fiftieth year of American Independence.”**

In conformity to the Act of Congress of the United States, entitled, “An Act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned ;” and also, to an Act, entitled, “An Act, supplementary to an Act, entitled an Act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned, and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints.”

**FRED. I. BETTS,**

*Clerk of the Southern District of New-York.*

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Sleight & George, Printers, Jamaica, L. I.



## P R E F A C E.

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THE want of a work, similar to the English Annual Register, has been long felt, and generally acknowledged, in this country. From the difficulty of procuring accurate information, concerning the domestic history of the United States, public opinion at home has been often misled, with regard to the conduct of the government; and *the moral force* of our free institutions has been much diminished abroad, by the ignorance, which prevails in other countries, relative to the condition of the American states. It is also essential, in order to facilitate the progress of liberal principles; that there should be given of the course of events in the European states, a historical statement, uninfluenced by the governments, which there to a great degree control the means of affecting public opinion. With the view of attaining these desirable ends, the American Annual Register is commenced. Much difficulty has been found in collecting authentic materials, relating to the local and domestic history of the United States. Hereafter it is with good reason hoped, that the requisite information will be more easily procured.

Notwithstanding the deficiencies of this volume are felt, it is thought important to commence the publication, as one of the surest means of facilitating the collection of information, and ensuring the ultimate success of the work. Pursuant to the plan

originally proposed, the history of the year, according to the legal division, from one national anniversary to the succeeding one in 1826, has been given. This plan, however, has not been rigidly adhered to, when it was necessary to give unity to a historical statement, either by tracing it back to its origin, or by bringing it when practicable, to a conclusion.

Among other matters, biographical sketches of such eminent men as have died within the year, have been inserted. In doing this, the materials have been collected from other publications; and in the European biographies, the language has been preserved.

This publication will be conducted upon strictly national principles; and it is contemplated, that a volume will make its appearance in the spring of each year.



## INTRODUCTORY CHAPTER.

*Retrospective view—Independence of the United States—Abolition of Colonial System—Views of Great Britain—Independence of Spanish America—Policy of the United States—Dissolution of Parties—Visit of La Fayette—National Jubilee—Deaths of Adams and Jefferson.*

The 50th year of the national independence of the United States, will be long regarded as marking an important epoch in the history of the western hemisphere. A common prejudice, founded upon associations connected with our religious faith, had imparted to this era an interest, growing out of the recollections of the revolution, and the important consequences of that event. The attention of the American people was naturally directed to it, as the jubilee of national independence, and a comparison was instituted between the infancy and maturity of the country; between the condition of the United States, when as thirteen colonies, thinly scattered along a narrow strip of the Atlantic coast, they asserted their claim to independence, and vindicated it by a recital of their wrongs, and now, when reposing in conscious strength on the bosom of the continent, they are witnessing the progressive triumph of their principles to its southern extremi-

ty, and its gradual emancipation from European sway.

The interest, however, which was derived from a recurrence to past events, was soon absorbed in the important occurrences that were crowded within the year. Although the revolution, which was to produce an entire change in the condition of America, had previously commenced, and had already advanced to that point, from which (experience teaches) it could not retrograde; it was reserved for this year to witness those signal events, which have forever separated the greatest part of the western hemisphere from Europe.

On the 25th of August, 1825, the extensive empire of Brazil was finally severed from the mother country, by the formal recognition of its independence by the king of Portugal, and afterwards, when, by the death of his father, the Portuguese crown devolved upon Don Pedro, the emperor of Brazil, the inconvenience of such a connection was so strongly impressed

upon his mind, that he abdicated in favor of his daughter, who was proclaimed queen of Portugal, while the emperor declared his intention of remaining in Brazil, which was thereafter to be regarded as a separate empire. This event alone was a great step in the dissolution of the colonial system. The independence of Brazil, a country of almost boundless territory and inexhaustible resources, would, at any period, have been regarded as an occurrence of vast importance to the inhabitants of all commercial states, and especially to those of America. This event, however, was accompanied and followed by others of still greater interest and higher importance. The protracted struggle, between the forces of Spain and her former colonies, was at last terminated by the overthrow and capture at Ayacucho, of the only Spanish army on the continent; and this victory was shortly followed by the surrender of Callao, St. Juan De Ulloa, and Chiloe, the last fortresses held by Spain in the Americas. The interest which that power, upon whose empire, as was formerly boasted, the sun never set, possessed in the western world, was now reduced to a feeble hold upon the islands of Cuba and Porto Rico. Her former colonies had driven her from the continent, and reduced every fortress, from which

her forces might invade their territories.

They now enjoyed a temporary repose from the horrors of war, and improved the opportunity, by consolidating their strength, and establishing their political institutions upon a more permanent basis than that of military force.

Their situation now became highly interesting to the rest of the world. They were about to form their political and commercial ties with other nations, and much depended upon the direction which was, in the first instance, given to their trade. They were not yet recognized by any government, except by that of the United States, and Spain still persisted in considering them as colonies in a state of rebellion, though she did not venture to enforce these pretensions against the citizens of other countries. Her own situation at home, her government in a tottering condition, and only sustained by the troops of France, as the representative of the Holy Alliance, rendered the prosecution of the contest, on her part, an act of madness; but the pertinacity with which she adhered to claims, that she did not even attempt to enforce, induced the belief, that she expected from her holy allies, some aid in re-establishing her sovereignty over her former colonies. This opinion was strengthened by the

interest which the members of that alliance took in the affairs of Spain, and the promulgation of the principles by which they justified their interference.

As the guardians of that monarchy, they appeared to consider themselves bound to prosecute its claims, while it remained under their tutelage, and it was with great reason apprehended, that they were about to apply their principles to the governments of the American continent.

Apprehensions of danger from this quarter had, at an early period, induced these governments to regard their cause as common, and to devise some mode by which their efforts might be combined in its behalf. A meeting of the representatives of the American states at Panama was contemplated, and negotiations had been for some time carried on between the Spanish American governments, for the purpose of accomplishing this desirable object. The entire expulsion of Spain from their territories, now left them at liberty to agree upon the time of meeting, and the spring of 1826 was to witness the opening of this congress, whose deliberations and resolutions, from the nature of things, must be directed to effect the complete emancipation of America from European sway.

The contest with Spain, and

the threatening aspect of the Holy Alliance, had induced them to seek strength in union; but the peculiarity of their situation, when first emerging from the colonial state, caused them to extend their views to other points than those connected with their defence against open hostilities. As they assumed the rank, and, from time to time, claimed a participation in the privileges of independent nations, they felt, that though their particular wrongs had proceeded from the government of Spain, the whole continent had been injured by the principles, which had been adopted in regard to it by the European governments, and that the full enjoyment of the benefits attendant upon their new state, depended upon the dissolution of all colonial connection between America and Europe; in short, the entire abolition of the colonial system, and all the novel principles which, as its legitimate consequences, have been engrafted upon the law of nations.

The experience of the United States, the vanguard in the march of a new world to independence, strongly inculcated upon them this fundamental maxim of American policy.

They saw that the whole history of this republic, was but the record of a constant struggle against the colonial system. All its wars had



grown out of attempts on the part of the great colonial powers to extend the principles of that system, so as to circumscribe the freedom, which a portion of the western world had succeeded in obtaining. The grasping spirit of European monopoly had felt injured by the emancipation of a part of America, and displayed itself in continual efforts to cripple the commerce it could not prohibit, and to arrest the growth of the prosperity it had no longer the power to crush.

A short view of the colonial system, will show that it was founded upon maxims inherently unjust, and destructive of the best interests of this continent, and that it was intended to serve merely as a justification to European powers in their systematic design, of appropriating a new world to the use of the old.

Upon its discovery, the whole continent, with its inhabitants, were claimed by Spain. This claim it was finally compelled to abridge, so as to permit the other great powers of Europe to participate in the advantages to be derived from America. In those bigotted ages, this claim to appropriate the possessions, and enslave the persons of the aborigines, as destitute of the light of the gospel, was considered valid, and with the view of establishing it, and to gra-

tify the adventurous spirits of their subjects, the monarchs of Europe authorised them to conquer the native powers; and to establish colonies within certain limits.

At first, these expeditions were made without reference to trade, but afterwards, when the advantages of a commercial intercourse were perceived, they were undertaken with the view of trading with the natives. In some instances, these establishments were made at the public expense, and sustained by the power of the state. In others, they were the efforts of private enterprise; but whether private or public, they were all subjected to a novel principle of national law, which extended the jurisdiction of the crown over the colonies, and made them, at the same time, an integral and a subordinate part of the empire. Integral, when the power of the government was to be exercised over them, but separate and subordinate for all other purposes.

The duty which a private citizen owes to the community in which he lives, and by whose power and laws he is protected from unjust violence, was perverted into the doctrine of perpetual and unalienable allegiance, and the maxim, that a subject could not expatriate himself, was made the corner stone of the colonial system.

Upon these two principles, the

European powers appropriated this vast continent to their exclusive use, and sought to extend their monopoly through a long series of ages. The continent, and the aboriginal inhabitants belonged to them, in virtue of the spiritual excellence of the monarchs of Europe, and of their duty to bestow the blessings of christianity upon these benighted regions; and the European colonists, and their descendants, were subject to their authority, because their allegiance to the crown could not be shaken off.

*"Not all the water in the wide rough sea,  
"Can wash the balm from an anointed king."*

The supremacy which was thus established, was not an empty claim of authority. It drew after it a right to regulate the trade of the colonists, and generally a paramount legislation over them, which was exercised with a single eye to the interests of the mother country.

To enumerate all the various provisions, by which the interests of America were sacrificed, to benefit the maritime powers of Europe, under this system, would exceed the limits of this chapter. Its general maxims consisted in each power's prohibiting all foreign trade with the colonies, and all intercourse between the colonial possessions of different nations. Their supplies were to be drawn from the mother country, and in order to protect

home industry, colonial manufactures were forbidden, and the raw material produced in the colony, was to be sent to her European ports, to be thence distributed to other nations, or to be wrought into fabrics, and often for the use of the colonists themselves.

In this manner, the whole continent was rendered a mere dependency of Europe. Those communities which were established here, were not only deprived of all trade with the trans-atlantic states, but of all intercourse with those contiguous countries, so much more necessary to their comfort and prosperity. They were not only prevented from directing their industry to those employments, which would best repay their labor, and from trading with those countries, which furnished the cheapest supplies and afforded the best markets; but by a simultaneous application of the system to the whole continent, they were shut out of the pale of improvement, and doomed to labor in an insulated colony, for the prosperity of a thankless mother, who rewarded their industry by monopolizing its profits, and repaid their unbought allegiance, by retarding their progress to civilization and wealth.

Each colonial community was thus kept distinct and dependent. Deprived of the stimulous, which a rival spirit among contiguous com-

munities imparts in the pursuit of wealth and knowledge, they languished for nearly two centuries, ignorant alike of their rights, their resources, and their own strength.

The dissolution of the colonial connection between the United States and Great Britain, gave the first blow to this system. A power independent of Europe, and at liberty to adopt such measures as might advance its interests and enforce its rights, arose on this side of the Atlantic. It had succeeded, after an obstinate struggle, in extorting from England a relinquishment of its claims to sovereignty over its territory; and after a long negotiation, in the course of which, its rights were betrayed by its ally, France, and resisted by Great Britain, had prevailed in maintaining its right to fish on the banks of Newfoundland, beyond the territorial jurisdiction of any power, and to dry their fish, as its seamen had been accustomed to do, on the unoccupied adjacent shores: a right which would have scarcely been questioned in any European power, similarly circumstanced with regard to these fisheries; but which was opposed, as an unwarrantable pretension, in one just emerged from a state of colonial toleration.

The statesmen of Europe could not at once bring themselves to regard an American state as entirely independent, and of equal rank

with their own kingdoms. Their pretensions and principles with regard to the dependency of the western world, had become a part of their law of nations.

The exclusive enjoyment of the Newfoundland fisheries, was the right of Europeans. The unoccupied shores of the American continent were subject to European colonization, and the inhabitants of the neighboring countries might, at any moment, be shut out from all intercourse with them, by the will of a trans-atlantic power. The vast wilderness, which extended from the back settlements on the Atlantic shores to the Pacific ocean, belonging to Europe, by virtue of that right, which was sometimes derived from the spiritual authority of its monarchs, and sometimes from the inestimable privilege of some wandering adventurers having first sailed by a jutting promontory, or entered the mouth of a navigable river.

The United States, even after the acknowledgment of their independence by Great Britain, found themselves surrounded by the restrictions of the colonial system. Their North Western posts were still held by England, and the St. Lawrence, the great outlet for the commerce of the inland lakes, was shut by the jealousy of that power. On the other hand, the Mississippi, the great channel of the trade of



the west, was closed by Spain, and an indefinite claim was advanced by her to the fertile valley watered by that stream.

All commerce with the neighboring countries, a commerce which is the natural right of mankind in all regions, subject only to such modifications as the inhabitants of the respective countries may impose, was prohibited by the European powers, and the trade of the United States was coerced into the ports of Europe, as it had been before the revolution confined to the ports of England. The colonial system excluded us from all trade with America, and rendered our commerce the monopoly of Europe, instead of the monopoly of Great Britain.

Even when in war, the colonial ports of any power were opened to our vessels, the other belligerent claimed the right to prohibit that trade, on account of its being a departure from the colonial system, and the rule of 1756, was invented and applied with increased rigor to the commerce of the United States, to retard the progress of America in the career of prosperity and independence.

To meet this state of things, the sagacious men, who established the American confederacy, and reconciled the discordant interests of its different members under one har-

monious and well balanced government, adopted a system of policy, well designed to complete the emancipation of their country from all its colonial burdens.

They felt that its independence was but partially achieved, until this object was accomplished. They had, indeed, gained political freedom, but their commercial dependence still existed, and their intercourse with the world was hampered by the arbitrary and oppressive rules which had been applied to American commerce. The fundamental principle of this system was reciprocity—Free trade with those powers which would agree to abolish all restrictions and countervailing restrictions, to meet those imposed by other nations. The adoption of this maxim, at once enlisted the inhabitants of the American colonies in their cause, and they became interested in the triumph of the policy of the United States. So long as American vessels were excluded from their ports, and their own vessels from the colonies were excluded from the United States, they were prevented from supplying themselves with those staple productions, which are so necessary to their prosperity. The prohibition of this intercourse bore severely upon the West India colonists in particular, and they warmly advocated, and partially effected a

relaxation of the ancient colonial restrictions, in behalf of the United States.

The North Western posts, upon the possession of which, in a great measure, depended the fur and peltry trade, were yielded to the energetic remonstrances of Washington, who also obtained from Spain an admission of our right to descend to the ocean by the Mississippi. This right was afterwards placed beyond all question, by the acquisition of Louisiana, under the administration of Jefferson.

The right to the Newfoundland fisheries, was secured by the energy and skill of the American negotiators, who concluded the treaty of '83, and was afterwards successfully maintained at Ghent, and may be justly considered as one of those privileges, which being founded in the nature of things, will, in no event, be yielded by the people of the United States. The guaranty which had been given by this republic, during the revolutionary war, to France, for the protection of her colonies, was invalidated by the breaking out of hostilities between the two countries, and was formally relinquished for an equivalent by the convention of 1800.

The principles which had been adopted by the colonial powers of Europe, with the view of perpetuating their monopoly of American

commerce, and circumscribing our trade, were resisted by the government of the United States, and the enforcing of these principles, connected with some other causes of irritation, led to hostilities at different periods with France and Great Britain. An unexampled revolution in the affairs of Europe, by removing the causes of the war, brought that, with the latter power, to a conclusion, without any formal adjustment of those principles, and they still remain subjects of future controversy.

The discussion of all these questions was forced upon the American government by the peculiar position of the country, and could not have been avoided, without virtually surrendering its claims to national independence. There were, however, other questions that grew out of the changes which the states of this continent underwent, as they gradually assumed the rank of independent powers. The great alteration in the condition of America, occasioned by the erection of the Portuguese and Spanish colonies, into eight separate free communities, presented several questions between the conflicting interests of the new and the old world. On all these occasions, the United States, as the oldest of the western nations, have been the first to assert the rights of the powers of this

continent, and 'to enforce' them whenever their own interests required it.

In 1823, the threatening aspect of the Holy Alliance, presented a proper motive and justification for the people of the United States to express their sentiments in respect to the contest then existing between Spain and her former colonies. Through their executive, they accordingly declared their determination not to interfere in that dispute themselves, and not to permit the interference of any other power on the part of Spain. This declaration was based upon two grounds—our interests prescribed, that we should not permit any extraneous aid to Spain, in her efforts to re-establish her colonial dominion, and our security required, that the principles of the Holy Alliance should not be introduced into this hemisphere. It was only under one of these pretences, that any interference could be attempted, and our true policy was consulted in proclaiming the determination of the country not to submit to it, either under the pretence of the permanent obligation of colonial allegiance, or the divine right of legitimacy.

At the same time, a declaration was made in behalf of the United States, that this continent was no longer to be considered subject to future colonization. This declaration was founded upon the right

which its inhabitants have to a free intercourse with the different portions of it. It did not interfere with colonies already established, but merely entered a protest against the establishment of new ones.

Independent, therefore, of the superior validity of the American claim to free intercourse over the European claim to monopoly, this declaration merely regarded in the light of a claim to unoccupied territories, would be equal in degree, and prior in time, to any step on the part of the European powers to appropriate them as colonies.

Being, then, in common with the rest of the world, possessed of the right to visit these regions, and to bring away their productions, we then declared our determination not to submit to any diminution of that right, by the imposition of new disabilities and burdens upon this continent. The emancipation of so great a part of America as the success of the Spanish colonies had then effected, made that the proper moment to issue that declaration. By it a limit was put to the pretensions of the colonial powers, and the continent, with the exception of the Guyana's, from the northern boundary of the United States to its southern extremity, was declared free as the bounty of Providence had created it, to the commerce and enterprise of the human race.



This republic, extending from the river St. Croix, where it falls into the Atlantic, through the great inland lakes, and along the 51st degree of north latitude to the Pacific ocean, forms a barrier against the colonial claims of Europe to the rest of the continent, and is pledged, by its interest and its position, to resist any new encroachment.

Great Britain is the only power interested in sustaining these antiquated claims. Those of Russia are limited by treaty to the — degree of north latitude. By the acknowledgment of the independence of Brazil, those of Portugal are relinquished.

Spain is disabled by the anarchy and weakness prevailing in her councils, from enforcing hers, and the rapid increase of the strength and power of her former colonies has placed their subjugation beyond the range of possibility. The claims of France to the American continent were limited by the cession of Louisiana to the United States to Guyana, which is divided between that power and the Netherlands. Great Britain alone feels a deep interest in maintaining the principles of the colonial system. She possesses colonies on the northern frontier of the United States, and she avails herself of these colonies, to encroach on our limits, while, at the same time, she insists

on debarring us from all access to the ocean through the St. Lawrence. The southern boundary of these colonies, she contends, runs along the 49th degree of north latitude to the Columbia river, and down that river to the Pacific ocean. Her West India possessions are numerous and valuable. She still claims a right of colonizing the unoccupied shores of this continent, and by a late order in council, she has virtually erected the settlements of her subjects, who were permitted to cut logwood in the bay of Honduras, into colonial establishments, and undertakes to exclude the vessels of the United States from that bay.

In the court of Brazil, she has acquired a predominating influence, through her intimate connection with Portugal, and her share in the establishment of the Brazilian government, and in the dissolution of its connection with the mother country. The effects of that influence have already appeared in discriminating duties imposed in Brazil, in favor of British goods.

The attention of the British government has been lately directed towards the new Spanish republics. The opening of such extensive and valuable markets, was an event of the highest importance to a great maritime and manufacturing nation, and no means have been neglected

to secure a monopoly of their commerce. This is the fundamental principle of the policy of Great Britain. Obligated to draw the means of supporting a government of boundless extravagance from the profits of her trade, she seeks a monopoly to counterbalance the disadvantages under which she labors, from a ruinous system of taxation. Not that natural monopoly which arises from cheap supplies, but one created and protected by treaties and municipal regulations. To effect this, her diplomatic agents visit every quarter of the globe, and are followed and supported by her wealth and her arms. Every war has its preservation for an object, and every negotiation tends to extend and perpetuate it.

The American nations, on the other hand, seek no monopoly, but endeavor to establish their mutual intercourse upon the liberal footing of entire reciprocity. They feel that this policy is better suited to their condition, and that by their resources, enterprize and industry, they can acquire and enjoy a due share of the commerce of the world. The extravagance and ambition of governments, founded upon wrong principles, have not compelled them to burden their industry by enormous duties and taxes. Their youthful energies are not repressed by impositions laid to dis-

charge the debts which prodigal ancestors have left as a legacy to posterity. They enter into the competition of trade, free of incumbrances; with their resources undeveloped, and a virgin and unexhausted soil to supply the materials of commerce.

As the projector of this system, so destructive to her interests, and as her most dangerous competitor on the ocean, the efforts of Great Britain are more particularly directed against this republic. She feels that the United States is her most formidable rival, and her policy seeks to circumscribe the commerce, and check the growth of that navigation which threatens, at some future, but no very distant period, to wrest from her hands the sceptre of the sea.

The great change which has taken place in the condition of the American continent, has, at length, brought the commercial systems of the two countries into direct and hostile opposition. The object of each is the same—to secure to themselves as much as practicable of the commerce of the new states: the means are diametrically opposite.

The United States asks no favors, but depends upon the industry and enterprize of her citizens, unshackled by oppressive duties and restrictions, and favored by local advantages.

Great Britain depends upon the

great capital and skill of her manufacturers, and with diplomatic dexterity endeavors to secure a partial monopoly of their navigation, by admitting the right of Spain over her colonies, and the propriety of their purchasing the relinquishment of that right, by a grant of peculiar favors to the vessels of the mother country in their ports. This monopoly in favor of Spain, a kingdom destitute of navigation and manufactures, she would soon make her own by means of her capital, and it would, in fact, be the trade of English subjects through Spanish factors. This policy of Great Britain has been manifested in every step taken by her government, with regard to the Spanish republics. In all her diplomatic notes respecting them, to the government of the United States, France and Spain, she has advanced the principle, that Spain should be permitted to lead the way in recognizing their independence, and that no objection would be made to an agreement, securing for a limited time, a preference to the navigation and commerce of Spain in their ports.

The earnestness with which she has inculcated the propriety of this course, can scarcely be accounted for, except by a reference to her strong attachment to the colonial system, and her full conviction, that a preference by treaty, to a trade from the ports of Spain,

would be a stipulation in behalf of English subjects. In this light, it was viewed by the government of the United States, whose policy is altogether opposed to any preferences, either in its own behalf, or in behalf of other nations. This fair and liberal policy has hitherto triumphed, and an insurmountable obstacle has been now interposed by the treaties concluded this year with the United States, by Colombia, Mexico and Central America, to the introduction of any preferences in behalf of European trade.

In her intercourse with the Spanish American states, Great Britain cannot avail herself of any influence, either direct from the countenance afforded them in their struggle for independence; or indirect through the mother country. She has no claim upon them, either as colonies or independent states. Their freedom was achieved by their own unaided efforts, and the only countenance afforded them, during the continuance of the contest, was from the United States. They viewed the struggle with a deep interest, excited by its resemblance to their own revolutionary war, and were the first to acknowledge their independence, and to welcome their admission into the family of nations. Even more, by a prompt and decisive expression of the determination of

the government, to support them against foreign aggression, (a determination received with the unanimous approbation of the American people,) they constituted themselves the guardians of the field of battle, and prevented any assistance from the Holy Alliance. This conduct has given to the United States, a powerful influence in the councils of the new republics, which has been uniformly exerted in behalf of the principles of free trade. The fairness and justness manifested by this government, in its intercourse with them, and the conviction that it had a common interest with them in the emancipation of the continent, induced them to invite the United States to participate in the deliberations of the Panama congress. This year the invitation was accepted, and ministers appointed to represent the United States in that assembly.

Since that invitation was given, new questions have arisen between the United States and Great Britain, respecting the colonial trade, which place the commercial systems of the two countries more directly at issue, and render the only badges of colonial subjection which the western hemisphere still bears, dependent on the result.

For several years previous to that period, the intercourse between the United States and the British

West India colonies, had been subjected to various regulations by the two governments, which rendered the continuance of that trade very uncertain.

The British government declined, in 1815 and 1818, propositions to regulate that trade, by the same convention which established the terms of intercourse between the United States and the European ports of England. From an attachment to the colonial system, it did not think proper to allow a commercial intercourse so beneficial to both parties; but continued to keep her colonies in a state of thralldom, and to subject their trade with the United States to disadvantageous restrictions, so as to exclude American vessels from participating in it.

To prevent a monopoly so injurious to our maritime interests, laws were enacted by congress, which had the effect of putting an end to the direct, and afterwards to the indirect intercourse between the United States and the British West Indies, so long as American vessels were excluded from their ports.

As those islands depend upon the United States for the supplies of many productions necessary to their existence, this prohibition induced the British government, in 1822, to open some of its colonial ports to American vessels,



which were permitted to import certain enumerated articles, that could not be obtained elsewhere upon such good terms. To favor their colonies, these articles were also subjected to a duty, which was not imposed on the same productions imported from the British North American possessions. This intercourse, limited as it was, was still more restricted by the local regulations of the islands; and the American vessels engaged in it, were subjected to so many inconveniences and burdens, imposed to secure a preference to British navigation, that congress was compelled to meet these regulations by a discriminating duty, laid on British vessels from the colonies. The government of the United States, however, was sensible of the injurious effects of this commercial warfare, and sought to remove the difficulties by negotiation. It offered to settle the terms of this intercourse by treaty, so as to make it completely reciprocal: either a trade in all productions, and free from all restraints, or limited, and with reciprocal discriminating duties. The British government declined this offer, on the ground, that the colonial trade was peculiar in its character, and that it was the policy of Great Britain to regulate it by legislation, and not by treaty; it finally, however, so far yielded, as to offer a convention on

its part, for the regulation of that trade, but which, not being equal in its terms, was not agreed to by the government of the United States. While this question was still pending, the British government determined upon recognizing the Spanish American states as independent.

Shortly after that determination, by an act of parliament, passed July 5th, 1825, the West India colonies were opened to the vessels of other nations, and, about the same time, entrepôts were established there upon the warehouse system. The principle upon which the ports of these islands were opened, was, that nations having colonies, were to be admitted upon the same terms upon which British vessels were admitted to their colonies; and those without colonies, were not to be admitted, unless they placed the shipping of Great Britain, and of *its possessions abroad*, upon the footing of the most favored nation.

These laws were set forth, as indicating a change in the commercial policy of that kingdom, and an adoption of more liberal maxims of trade; but when viewed in connection with the condition of the American continent, they appear to be strictly conformable to the system of monopoly to which she has always adhered.

The South American states were

destitute of navigation, and offered extensive markets for British manufactures, which they were obliged to pay for in raw materials. They possessed no colonies, and therefore, if they accepted the offer of trading with the British West Indies, it had the effect of placing English vessels upon the most favored footing in their ports—in fact, upon the footing of free trade, while the equivalent was a restricted trade with the British colonies. The same effect would have taken place if the United States had accepted of that offer. When properly considered, therefore, these laws seem to be only another mode of maintaining and perpetuating the colonial monopoly.

Their objects were twofold: 1st, to lay the foundation for a claim of favors in the ports of the South American republics, by throwing open her West India ports to their navigation, sensible that nothing could be apprehended from their competition; and 2dly, to ascertain their capability of supplying her islands with those staple commodities, which she before had reluctantly permitted to be brought from the United States.

By this apparent departure from her colonial system, she offered to the new republics a specious equivalent for commercial favors, and laid the foundation for further cir-

cumscribing the trade of this republic.

Having, it is to be presumed, ascertained that supplies could be obtained from those states, an order of council was issued July 27th, 1826, closing the American colonial ports, excepting in Nova Scotia and Canada, to vessels belonging to the United States, after the 1st of December, 1826. To the offer made by the American minister, (Mr. Gallatin, who had just arrived at his post,) to renew the negotiation on this subject, the following pointed remark was made in answer, accompanied by a refusal to discuss the matter by Mr. Canning; a remark which fully explains the policy and design of his government. "It is not made matter of complaint," said he, "by the British government, that the United States have declined conditions which other nations have thought worthy of their acceptance. It is, on the other hand, not the fault of the British government, if the United States have suffered the time to pass, *at which* it might have been an object of greater importance to this country to induce the United States to come into their (Anglice its) proposals."

The further prosecution of this negotiation, and the final decision of the question, form a part of the occurrences of the next year; but the agitation of the controversy,

and the grounds taken by the respective governments, fall naturally within the view here taken of the colonial system, and belong to a series of events, which transpired within the 50th year of American independence, and which are of the highest importance, in a consideration of the present condition and future prospects of the continent.

This question concerning the colonial trade, is connected with the right to the navigation of the St. Lawrence, and with the pretensions of Great Britain to the shores of the bay of Honduras, from which, about the same time, she undertook to exclude American vessels. It forms a part of her general plan, to derogate from the independence of the western hemisphere, and of course, comes within the legitimate deliberations of the Panama congress. England contends, that the colonial trade stands upon different grounds from that with the mother country, and that all participation in it, is to be considered as a *boon*, for which an equivalent is to be paid.

The United States maintain, that all intercourse between countries, whether colonial or otherwise, is to be regulated according to the views of the respective governments, and that the colonial trade does not, in that respect, differ from that with the mother coun-

try. That it is all founded upon mutual convenience, and that no compensation can be considered as due for a permission to trade with the colonies, except that which arises from mutual exchanges.

In this manner, the continuance of colonial restrictions is put distinctly in issue, and the two governments are in direct opposition as to their propriety and validity.

The long space of time during which these restrictions have been enforced, with the assent of the commercial world, has strengthened the claim of the European powers interested in maintaining them, into a sort of prescriptive right. An assent, arising from the fact, that Europe was interested in their establishment, and that America was a mere dependency, destitute of a sovereign power to declare its dissent from principles, which placed the rights and privilege of the new world, prostrate at the feet of European commerce, is relied on to prove their admission into the conventional law of nations.

But this assent, however conclusive, in a discussion between two European powers, cannot have much binding force in an argument addressed to America. She may reply, that these principles never received her voluntary sanction, and that submission to them, while in a state of thralldom

and minority, cannot be construed into an assent to deprive her of the privileges of independence and maturity. The time and mode of asserting and enforcing these privileges, must, of course, be regulated by circumstances. Prudence will dictate, that no measure be adopted, which shall lightly compromit the essential interests of the country, and a due regard for the tranquility of mankind, will prevent any rash disturbance of the established order of things. But these rights exist independent of, and paramount to, the arbitrary rules of a system, invented to foster the interests of Europe, at the expense of America. They are derived from the nature of man, and from his wants and his capacities. The same Providence that gave him the earth to inhabit, and the power of social and commercial intercourse to supply his wants and augment his happiness, has placed the means of relieving them within his reach, in proportion to their urgency. He has made the productions of contiguous countries most suitable to the mutual wants of their respective inhabitants, and a prohibition, from a third power, of intercourse between them, is an infringement upon their natural rights. It is a wrong to both parties. The communities occupying these adjacent territories, have an unquestionable right to agree up-

on the terms upon which they will trade, and either of them may, of course, insist on shackling the intercourse with restrictions, or may decline it altogether. The power of regulating it while vested in their hands, will never be exercised, but with a due regard to their interests. But a prohibition from a trans-atlantic government, rests upon different grounds. It is founded upon false principles, established by power, and submitted to from necessity, and it extends itself beyond its rightful jurisdiction, to the injury of the community over which it is exerted, and of all others whose commerce is circumscribed by it.

It cannot be expected, that such a system will be tolerated one moment longer than necessary. The colonists themselves have a paramount interest in overturning it, and will demand their independence whenever their strength, measured with the power of the mother country, will justify such a step.

The citizens of all the independent powers of this hemisphere, and especially those of the United States, have a less, but still a direct interest in bringing about this event, and in sustaining them in that stand, and their aid will be afforded, whenever their relations with the colonial powers of Europe will permit them to take part in such a dispute.

It is easy to foresee the result of this state of things. It predicts with an unerring voice, the separation of America from Europe.

With the ocean between them, contending on their own soil for their natural rights, against forces which must be sent from the other side of the Atlantic, and maintained at a ruinous expense, the colonists, unaided, must in time achieve their freedom. In this contest, whenever it shall take place, they will find natural allies in all the independent powers of America, having at their head, a republic of 12,000,000 of people, all interested from patriotic recollections and promised advantages in sustaining the American cause.

A republic, where the means of education, by the common school system, are placed within the reach of every class, and the avenues to station and eminence are opened by the constitution, to all, without distinction of rank; where frequent elections and constant discussion through an unrestrained press, have created a general taste for politics, and made every citizen eager to devise and prompt to support propositions for the advancement of the common weal, while the system of defence has put arms in the hands of all, and rendered a whole people, who feel the government and its policy to be their own, an army, undisciplined it is true, but still

zealous for the national interests and honor. Circumstances have now placed this power in opposition to the last relicts of the colonial system, and at the same moment have made the new American states deeply interested in the same cause, and brought their representatives into a joint assembly, to deliberate upon the best means of promoting their common interests.

The claim of Great Britain, to erect the settlements of her log-wood cutters, in the bay of Honduras, into colonial establishments, advanced at the same time, and as part of the same system, is not merely in violation of the treaties by which her subjects were permitted to cut dye woods within certain limits, but also in violation of the territorial rights of Colombia, Mexico, and Central America. The shores of this bay belong to those powers, by virtue of their succession, each within its ancient provincial limits, to the sovereignty of Spain. This unfounded pretension of Great Britain to the shores of this bay, and to exclude the navigation of the United States from its ports, is a direct infringement upon their rights, as well as upon ours, and binds them to resist this attempt to perpetuate the old and to create new colonial restrictions. All these restrictions are inconsistent with the well being of this continent, and must be abolished.



The progress of events points directly to their final abolition. The colonial empires of Spain and Portugal no longer exist. Brazil, almost without a struggle, has become an independent state.

The Spanish colonies have taken the same rank in defiance of all the exertions of the mother country. Buenos Ayres, Colombia, Mexico, Chili, Central America, and the Perus, have successively assumed their stations among the nations of the earth; and while they have achieved their own freedom, they have augmented the independence of those who have preceded them in their glorious career. They have contributed to the dissolution of the colonial connection of America with Europe, and given the pledge of their national existence against its re-establishment. They have opened their ports to the world, and their resources and productions are offered to American as well as to European commerce.

From New Brunswick and Canada to Cape Horn, the independence of the continent is achieved, and America now demands the abrogation of those rules, by which her equality to other quarters of the globe has been denied, and her resources appropriated, and her commerce monopolized by the inhabitants of another hemisphere.

How this demand is to be enforced, whether by the particular de-

termination of the several governments, or their joint agreement in the Panama Congress; whether by an interdiction of all intercourse between the colonies and the several states, or between the mother country and all the independent states of this continent, until her possessions, both in Europe and America, are placed upon the same footing, and governed by the same rules of navigation, are questions which must be determined by future events. The adoption of any of these alternatives would be decisive. The commerce of Great Britain with the United States alone, would never be forfeited by that government for the poor equivalent which the monopoly of the colonial navigation affords; and, if this government, upon the expiration of the commercial treaty, in 1828, should insist upon the relinquishment of these distinctions between the colonial and other trade, and more especially if the other American powers should take the same ground, and adopt the same principle in the Panama congress, the total abolition of all colonial restraints would be effected, and the independence of this continent fully consummated.

Such is the attitude assumed by the United States towards Europe, at the completion of the first half century after the blow given to the colonial system, by their separation

from Great Britain, and the relative condition of the two continents now indicates this as the commencement of a new era in American history. While these events were developing the views of American statesmen, and giving, in the eyes of the world, a definite character to the policy of the country, the force of circumstances had, in a great measure, obliterated the party distinctions which had existed in the United States since the adoption of the federal constitution. The quiet prevailing in Europe permitted the government to turn its efforts from the vindication of its rights, to the prosecution of its claims to those which were still withheld; and the restoration of the ancient regime in France, by the victorious allies, gave a check to any foreign partialities, which had before retarded the growth of a national feeling. The partizans of the great belligefents, whose measures and principles had occupied the attention, and created the parties of the civilized world for twenty-five years, were borne down by the broad current of American feelings; the thoughts and views of men were turned homewards, and both government and people united in discarding the consideration of any interests but their own.

The visit of La Fayette to the land in whose cause he had spent his early years, contributed power-

fully to the development of this national feeling. This venerable and venerated man had landed at New York, in the month of August, the preceding year, upon the invitation of the president of the United States, Mr. Monroe, and had visited, during the year, the twenty-four states of the Union. In all parts of the country he had been received with the warmest manifestations of pleasure and gratitude. All the survivors of the revolution hastened to meet him from every quarter; and their descendants of the present generation crowded around the gallant Frenchman, who had left his country and family in his youth to serve in the cause of freedom by the side of their fathers. Veterans who had stood shoulder to shoulder in most of the conflicts of the revolution, and who had parted upon the disbanding of the continental army, with the expectation of never meeting again in this life, now found themselves assembled under the most interesting circumstances.— They met upon Bunker Hill, just half a century after they had encountered, for the first time, on the same spot, the disciplined troops of Great Britain. The scarred and war worn relics of a seven years contest, then assembled to welcome the nation's guest on the field, where, as unskilled and almost unarmed husbandmen, they had manfully contended for the nation's cause.

They assembled around him at York town, on the anniversary of that day which had witnessed the crowning act of the war of independence in the surrender of Cornwallis and his army to Washington. He found some of his surviving companions in arms in every state of the Union. In the Atlantic states he encountered them on the scenes of their former triumphs and reverses: Triumphs, the recollections of which were heightened by their glorious results; and reverses only remembered as among the trials of that eventful war. In the west he found them surrounded by a dense and industrious population, which, after they had resumed the pursuits of peace, they had led beyond the Alleghanies, to make the wilderness subservient to the purposes of civilized life. Here were no fields hardly won, but the fruits of the revolution were found without alloy.

New communities had sprung up beyond mountains. The population which had been restrained by the colonial policy of the mother country to the sea coast, conducted by the Pioneers of civilization, had broken their bounds, and were found clustering around the sources of the Missouri, and establishing themselves on the borders of the Rocky mountains.

In journeying through the twenty-four states, his presence had been every where hailed like that of a

father. Youth and age joined to heap honors and blessings on his head; and the spontaneous burst of grateful feeling with which he was welcomed in every city and village of this vast confederacy, proved how deeply his early sacrifices in their behalf were imprinted in the memory of the American people.

After an uninterrupted succession of fetes and celebrations during the whole year, his visit now began to draw to a close. It was thought most fitting that his final departure from the country should take place from its capitol; and a frigate was prepared at that place, and named, in compliment to him, the Brandywine, to transport him to his native country. The few weeks spent upon the invitation of the president, as the guest of the nation, in the national palace, were appropriated to taking leave of those venerable men who had shared with him both in establishing the independence of the country and in receiving all the appropriate honors which the people could bestow. He had previously visited the venerable Adams, who, from his earliest youth, aimed at independence, as the right of the colonies, and whose resolute and single-hearted devotion to that cause, made him emphatically the master-spirit of the revolution. He now, in succession, took leave of the other ex-presidents—the illustrious au-

thor of the declaration of independence—the able supporter and advocate of the federal constitution—and the soldier of the revolution, who had shed his blood in the same cause with La Fayette.

These preliminary visits being paid, he now prepared for his departure. The 7th of September, which was the day appointed for that purpose, the civil authorities of the district of Columbia assembled at the president's house, to take leave of him. About noon, he entered the great hall, accompanied by the marshal of the district and one of the president's sons: Mr. Adams then with dignity, but with evident emotion, addressed him in the following terms:—

“General LA FAYETTE: It has been the good fortune of many of my fellow-citizens, during the course of the year now elapsed, upon your arrival at their respective places of abode, to greet you with the welcome of the nation.—The less pleasing task now devolves upon me, of bidding you, in the name of the nation, adieu.

“It were no longer seasonable, and would be superfluous to recapitulate the remarkable incidents of your early life—incidents which associated your name, fortunes and reputation, in imperishable connection with the independence and history of the North American union.

“The part which you performed at that important juncture, was marked with characters so peculiar, that, realizing the fairest fable of antiquity, its parallel could scarcely be found in the authentic records of human history.

“You deliberately and perseveringly preferred toil, danger, the endurance of every hardship, and privation of every comfort, in defence of a holy cause, to inglorious ease, and the allurements of rank, affluence, and unrestrained youth, at the most splendid and fascinating court of Europe.

“That this choice was not less wise than magnanimous, the sanction of half a century, and the gratulations of unnumbered voices, all unable to express the gratitude of the heart with which your visit to this hemisphere has been welcomed, afford ample demonstration.

“When the contest of freedom, to which you had repaired as a voluntary champion, had closed, by the complete triumph of her cause in this country of your adoption, you returned to fulfil the duties of the philanthropist and patriot in the land of your nativity. There, in a consistent and undeviating career of forty years, you have maintained, through every vicissitude of alternate success and disappointment, the same glorious cause to which the first years of your active life

had been devoted, the improvement of the moral and political condition of man.

“ Throughout that long succession of time, the people of the United States, for whom, and with whom you had fought the battles of liberty, have been living in the full possession of its fruits ; one of the happiest among the family of nations. Spreading in population ; enlarging in territory ; acting and suffering according to the condition of their nature ; and laying the foundations of the greatest, and, we humbly hope, the most beneficent power that ever regulated the concerns of man upon earth.

“ In that lapse of forty years, the generation of men with whom you co-operated in the conflict of arms, has nearly passed away. Of the general officers of the American army in that war, you alone survive. Of the sages who guided our counsels ; of the warriors who met the foe in the field or upon the wave, with the exception of a few, to whom unusual length of days has been allotted by Heaven, all now sleep with their fathers. A succeeding, and even a third generation, have arisen to take their places ; and their children’s children, while rising up to call them blessed, have been taught by them, as well as admonished by their own constant enjoyment of freedom, to include in every benison upon their

fathers, the name of him, who came from afar, with them and in their cause, to conquer or to fall.

“ The universal prevalence of these sentiments was signally manifested by a resolution of congress, representing the whole people, and all the states of this union, requesting the president of the United States to communicate to you the assurances of grateful and affectionate attachment of this government and people, and desiring that a national ship might be employed, at your convenience, for your passage to the borders of your country.

“ The invitation was transmitted to you by my venerable predecessor : himself bound to you by the strongest ties of personal friendship, himself one of those whom the highest honors of his country had rewarded for blood early shed in her cause, and for a long life of devotion to her welfare. By him the services of a national ship were placed at your disposal. Your delicacy preferred a more private conveyance, and a full year has elapsed since you landed upon our shores. It were scarcely an exaggeration to say, that it has been, to the people of the union, a year of uninterrupted festivity and enjoyment, inspired by your presence.— You have traversed the twenty-four states of this great confederacy— you have been received with rap-



ture by the survivors of your earliest companion in arms—you have been hailed as a long absent parent by their children, the men and women of the present age: and a rising generation, the hope of future time, in numbers surpassing the whole population of that day when you fought at the head and by the side of their forefathers, have vied with the scanty remnants of that hour of trial, in acclamations of joy, at beholding the face of him whom they feel to be the common benefactor of all. You have heard the mingled voices of the past, the present, and the future age, joining in one universal chorus of delight at your approach; and the shouts of unbidden thousands, which greeted your landing on the soil of freedom, have followed every step of your way, and still resound, like the rushing of many waters, from every corner of our land.

“ You are now about to return to the country of your birth—of your ancestors—of your posterity. The executive government of the union, stimulated by the same feeling which had prompted the congress to the designation of a national ship for your accommodation in coming hither, has destined the first service of a frigate, recently launched at this metropolis, to the less welcome, but equally distinguished trust, of conveying you home. The name of the ship has added one

more memorial to distant regions and to future ages, of a stream already memorable, at once in the story of your sufferings and of our independence.

“ The ship is now prepared for your reception, and equipped for sea. From the moment of her departure, the prayers of millions will ascend to Heaven that her passage may be prosperous, and your return to the bosom of your family as propitious to your happiness, as your visit to this scene of your youthful glory has been to that of the American people.

“ Go, then, our beloved friend—return to the land of brilliant genius, of generous sentiment, of heroic valour; to that beautiful France, the nursing mother of the twelfth Louis, and the fourth Henry; to the native soil of Bayard and Coligni, of Turenne and Catinat, of Fenelon and D’Aguesseau. In that illustrious catalogue of names which she claims as of her children, and with honest pride holds up to the admiration of other nations, the name of LA FAYETTE has already for centuries been enrolled. And it shall henceforth burnish into brighter fame: for if, in after days, a Frenchman shall be called to indicate the character of his nation by that of one individual, during the age in which we live, the blood of lofty patriotism shall mantle in his cheek, the fire of conscious virtue

shall sparkle in his eye, and he shall pronounce the name of LA FAYETTE. Yet we, too, and our children, in life and after death shall claim you for our own. You are ours by that more than patriotic self-devotion with which you flew to the aid of our fathers at the crisis of their fate. Ours by that long series of years in which you have cherished us in your regard. Ours by that unshaken sentiment of gratitude for your services, which is a precious portion of our inheritance. Ours by that tie of love, stronger than death, which has linked your name, for the endless ages of time, with the name of Washington.

“At the painful moment of parting from you, we take comfort in the thought, that wherever you may be, to the last pulsation of your heart, our country will be ever present to your affections; and a cheering consolation assures us, that we are not called to sorrow most of all, that we shall see your face no more. We shall indulge the pleasing anticipation of beholding our friend again. In the meantime, speaking in the name of the whole people of the United States, and at a loss only for language to give utterance to that feeling of attachment with which the heart of the nation beats, as the heart of one man—I bid you a reluctant and affectionate farewell.”

To which general La Fayette made the following answer:—

“Amidst all my obligations to the general government, and particularly to you, sir, its respected chief magistrate, I have most thankfully to acknowledge the opportunity given me at this solemn and painful moment, to present the people of the United States with a parting tribute of profound, inexpressible gratitude.

“To have been, in the infant and critical days of these states, adopted by them as a favorite son, to have participated in the toils and perils of our unspotted struggle for independence, freedom and equal rights, and in the foundation of the American era of a new social order, which has already pervaded this, and must, for the dignity and happiness of mankind, successively pervade every part of the other hemisphere, to have received at every stage of the revolution, and during forty years after that period, from the people of the United States, and their representatives at home and abroad, continual marks of their confidence and kindness, has been the pride, the encouragement, the support of a long and eventful life.

“But how could I find words to acknowledge that series of welcomes, those unbounded and universal displays of public affection, which have marked each step, each

hour, of a twelve months' progress through the twenty-four states, and which, while they overwhelm my heart with grateful delight, have most satisfactorily evinced the concurrence of the people in the kind testimonies, in the immense favors bestowed on me by the several branches of their representatives, in every part and at the central seat of the confederacy.

“ Yet, gratifications still higher awaited me ; in the wonders of creation and improvement that have met my enchanted eye, in the unparalleled and self-felt happiness of the people, in their rapid prosperity and insured security, public and private, in a practice of good order, the appendage of true freedom, and a national good sense, the final arbiter of all difficulties, I have had proudly to recognise a result of the republican principles for which we have fought, and a glorious demonstration to the most timid and prejudiced minds, of the superiority, over degrading aristocracy or despotism, of popular institutions founded on the plain rights of man, and where the local rights of every section are preserved under a constitutional bond of union. The cherishing of that union between the states, as it has been the farewell entreaty of our great paternal Washington, and will ever have the dying prayer of every American patriot, so it has become the sacred pledge

of the emancipation of the world, an object in which I am happy to observe that the American people, while they give the animating example of successful free institutions, in return for an evil entailed upon them by Europe, and of which a liberal and enlightened sense is every where more and more generally felt, show themselves every day more anxiously interested.

“ And now, sir, how can I do justice to my deep and lively feelings for the assurances, most peculiarly valued, of your esteem and friendship, for your so very kind references to old times, to my beloved associates, to the vicissitudes of my life, for your affecting picture of the blessings poured by the several generations of the American people on the remaining days of a delighted veteran, for your affectionate remarks on this sad hour of separation, on the country of my birth, full, I can say, of American sympathies, on the hope so necessary to me of my seeing again the country that has deigned, near a half a century ago, to call me hers ? I shall content myself, refraining from superfluous repetitions, at once, before you, sir, and this respected circle, to proclaim my cordial confirmation of every one of the sentiments which I have had daily opportunities publicly to utter, from the time when your venerable predecessor, my old brother in arms

and friend, transmitted to me the honorable invitation of congress, to this day, when you, my dear sir, whose friendly connexion with me dates from your earliest youth, are going to consign me to the protection, across the Atlantic, of the heroic national flag, on board the splendid ship, the name of which has been not the least flattering and kind among the numberless favors conferred upon me.

“ God bless you, sir, and all who surround us. God bless the American people, each of their states, and the federal government. Accept this patriotic farewell of an overflowing heart ; such will be its last throb when it ceases to beat.”

The general then took an affectionate leave of every individual present, and left the hospitable mansion of the president. He was attended to the vessel by the whole population of the district. All business was at a stand, and the vast multitude which lined the shores, witnessed his embarkation with a deep silence, highly indicative of the feelings that the American people cherished towards La Fayette. In passing Mount Vernon, he landed to pay a farewell visit to the tomb of Washington. After paying this last tribute of respect to the remains of him, who, as the father and chief magistrate of his country, remembered his youthful friend while in the dun-

geons of Olmutz, and interfered in his behalf, when his own countrymen had forgotten him, La Fayette re-embarked, and after a short voyage, was safely landed on his paternal soil.

Thus terminated this extraordinary visit, so fruitful in incidents honorable to the American character, and so instrumental in reviving those patriotic recollections which make the basis of a strong national feeling.

The 50th year of American Independence now approached its termination, and the people of the United States, sensible of their happy condition, and grateful for the blessings which they enjoyed, made suitable preparations for the expression of their feelings on the annual celebration of the fourth of July. It was the fiftieth anniversary of the birth day of the first independent power of the western hemisphere. Some of their most eloquent orators and ablest statesmen were appointed to deliver those orations with which it had been customary to celebrate that day. The retrospect which the occasion prompted them to take, was full of the deepest interest. It was the history of the country, and a comparison between its infancy and its maturity. A comparison with which every heart was full, and which, when drawn by the master spirit of an orator, could

not but find a respondent feeling in the bosom of a native audience. On that day, the American people, from Maine to Louisiana, and from the Atlantic ocean to the Rocky Mountains, assembled in every city and hamlet, to celebrate their national jubilee.

At that eventful moment, when millions of their fellow-citizens were dwelling on their names with the most grateful sentiments, the two venerable ex-presidents, ADAMS and JEFFERSON, departed this life.

There was something in this coincidence, which made the deepest impression on the public mind. These extraordinary men had, in the morning of their lives, with kindred feelings, engaged in the contest which finally separated the United States from Great Britain. They had contributed, each in his turn, to the declaration of the independence of their country. The one as the author, and the other as its most efficient supporter and eloquent advocate. By their devotion to the public cause, and their pre-eminent abilities, they had earned the proud distinction among that band of patriots who sat in the Continental Congress, of being placed with the few for whom no act of amnesty or pardon remained. Their only hope of safety was in the complete success of the American cause. Upon the adoption of the federal constitution,

they were called, one by the voice of the people, and the other, by the choice of Washington, to the public councils. Adams to preside over the senate, and Jefferson to conduct the foreign relations of the country. They were subsequently chosen, each in his turn, as chief magistrates of the republic, and afterwards, in dignified retirement, they witnessed the unexampled advance of their country, in population and wealth, and the progressive triumph of the cause in which they had been fellow-laborers, by the emancipation of the remainder of the continent. This triumph was now complete. The western world had achieved its independence, and their own country stood at its head, respected by the independent powers of America, as their guide and their protector. The parties into which their fellow-citizens had been divided, and which claimed them as their respective chiefs, had forgotten their political differences, and were now united as one family, after the example of their leaders. Their lives had been protracted beyond the term ordinarily assigned to man, as if to enable them to witness this consummation of their labors, and on that anniversary which, as the termination of their lives approached, they had earnestly desired to see, they sunk together into an honored grave.



## CHAPTER II.

*Inauguration of President. Meeting of Senate—Lanman's Case—Treaty with Colombia—Opposition—Creek Controversy—Indian Affairs—Captains Porter and Stewart—Internal Improvement—Commerce.*

On the 4th March, 1825, pursuant to the established custom, the president elect, Mr. Adams, was sworn into office by the Chief Justice of the United States, (John Marshall,) in the hall of the house of representatives. A large concourse of distinguished strangers and citizens attended to witness the ceremony, and to hear the address, which, according to the example of his predecessors, he delivered at his inauguration. Great interest was felt on this subject, as those productions had usually contained the general principles upon which the executive intended to administer the government. The discourse, from its importance, is worthy of a place in this volume, and is as follows :

“ In compliance with an usage, coeval with the existence of our federal constitution, and sanctioned by the example of my predecessors in the career upon which I am about to enter, I appear, my fel-

low-citizens, in your presence, and in that of heaven, to bind myself by the solemnities of a religious obligation, to the faithful performance of the duties allotted to me, in the station to which I have been called.

“ In unfolding to my countrymen the principles by which I shall be governed, in the fulfilment of those duties, my first resort will be to that constitution, which I shall swear, to the best of my ability, to preserve, protect and defend. That revered instrument enumerates the powers, and prescribes the duties of the executive magistrate ; and, in its first words, declares the purposes to which these, and the whole action of the government, instituted by it, should be invariably and sacredly devoted—to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to the people

of this union, in their successive generations. Since the adoption of this social compact, one of these generations has passed away. It is the work of our forefathers.—Administered by some of the most eminent men, who contributed to its formation, through a most eventful period in the annals of the world, and through all the vicissitudes of peace and war, incidental to the condition of associated man, it has not disappointed the hopes and aspirations of those illustrious benefactors of their age and nation. It has promoted the lasting welfare of that country, so dear to us all ; it has, to an extent, far beyond the ordinary lot of humanity, secured the freedom and happiness of this people. We now receive it as a precious inheritance from those to whom we are indebted for its establishment, doubly bound by the examples which they have left us, and by the blessings which we have enjoyed, as the fruits of their labors, to transmit the same, unimpaired, to the succeeding generation.

“In the compass of thirty-six years, since this great national covenant was instituted, a body of laws enacted under its authority, and in conformity with its provisions, has unfolded its powers, and carried into practical operation its effective energies. Subordinate departments have distributed the

executive functions in their various relations to foreign affairs, to the revenue and expenditures, and to the military force of the union by land and sea. A co-ordinate department of the judiciary has expounded the constitution and the laws ; settling, in harmonious coincidence with the legislative will, numerous weighty questions of construction which the imperfection of human language had rendered unavoidable. The year of jubilee since the first formation of our union, has just elapsed ; that of the declaration of our independence is at hand. The consummation of both was effected by this constitution. Since that period, a population of four millions has multiplied to twelve. A territory bounded by the Mississippi, has been extended from sea to sea. New states have been admitted to the union, in numbers nearly equal to those of the first confederation. Treaties of peace, amity and commerce, have been concluded with the principal dominions of the earth. The people of other nations, inhabitants of regions acquired, not by conquests, but by compact, have been united with us in the participation of our rights and duties, of our burdens and blessings. The forest has fallen by the axe of our woodsmen—the soil has been made to teem by the tillage of our farmers ; our commerce has whitened every ocean.

The dominion of man over physical nature, has been extended by the invention of our artists. Liberty and law have marched hand in hand. All the purposes of human association have been accomplished as effectively as under any other government on the globe ; and at a cost, little exceeding, in a whole generation, the expenditures of other nations in a single year.

“ Such is the unexaggerated picture of our condition, under a constitution founded upon the republican principle of equal rights. To admit that this picture has its shades, is but to say, that it is still the condition of men upon earth. From evil, physical, moral and political, it is not our claim to be exempt. We have suffered, sometimes by the visitation of Heaven, through disease ; often by the wrongs and injustice of other nations, even to the extremities of war ; and lastly, by dissensions among ourselves—dissensions, perhaps, inseparable from the enjoyment of freedom, but which have more than once appeared to threaten the dissolution of the union, and with it, the overthrow of all the enjoyments of our present lot, and all our earthly hopes of the future. The causes of these dissensions have been various, founded upon differences of speculation in the theory of republican government ; upon conflicting views of policy,

in our relations with foreign nations ; upon jealousies of partial and sectional interests, aggravated by prejudices and prepossessions, which strangers to each other are ever apt to entertain.

“ It is a source of gratification and of encouragement to me, to observe that the great result of this experiment upon the theory of human rights, has, at the close of that generation by which it was formed, been crowned with success equal to the most sanguine expectations of its founders. Union, justice, tranquillity, the common defence, the general welfare, and the blessings of liberty—all have been promoted by the government under which we have lived. . Standing at this point of time ; looking back to that generation which has gone by, and forward to that which is advancing, we may, at once, indulge in grateful exultation, and in cheering hope. From the experience of the past, we derive instructive lessons for the future. Of the two great political parties which have divided the opinions and feelings of our country, the candid and the just will now admit, that both have contributed splendid talents, spotless integrity, ardent patriotism, and disinterested sacrifices, to the formation and administration of this government ; and that both have required a liberal indulgence for a portion of hu-

man infirmity and error. The revolutionary wars of Europe, commencing precisely at the moment when the government of the United States first went into operation under this constitution, excited a collision of sentiments and of sympathies, which kindled all the passions, and embittered the conflict of parties, till the nation was involved in war, and the union was shaken to its centre. This time of trial embraced a period of five and twenty years, during which, the policy of the union, in its relations with Europe, constituted the principal basis of our political divisions, and the most arduous part of the action of our federal government. With the catastrophe in which the wars of the French revolution terminated, and our own subsequent peace with Great Britain, this baneful weed of party strife was uprooted. From that time, no difference of principle, connected either with the theory of government, or with our intercourse with foreign nations, has existed, or been called forth, in force sufficient to sustain a continued combination of parties, or give more than wholesome animation to public sentiment, or legislative debate. Our political creed is, without a dissenting voice that can be heard, that the will of the people is the source, and the happiness of the people the end, of all

legitimate government upon earth—That the best security for the beneficence, and the best guaranty against the abuse of power, consists in the freedom, the purity, and the frequency of popular elections—That the general government of the union, and the separate governments of the states, are all sovereignties of limited powers; fellow servants of the same masters, uncontrolled within their respective spheres, uncontrollable by encroachments upon each other—That the firmest security of peace, is the preparation, during peace, of the defences of war—That a rigorous economy, and accountability of public expenditures, should guard against the aggravation, and alleviate, when possible, the burden of taxation—That the military should be kept in strict subordination to the civil power—That the freedom of the press, and of religious opinion, should be inviolate—That the policy of our country is peace, and the ark of our salvation union, are articles of faith upon which we are all agreed. If there have been those who doubted whether a confederated representative democracy were a government competent to the wise and orderly management of the common concerns of a mighty nation, those doubts have been dispelled. If there have been projects of partial confederacies, to be

erected upon the ruins of the union, they have been scattered to the winds. If there have been dangerous attachments to one foreign nation, and antipathies against another, they have been extinguished. Ten years of peace, at home and abroad, have assuaged the animosities of political contention, and blended into harmony the most discordant elements of public opinion. There still remains one effort of magnanimity, one sacrifice of prejudice and passion, to be made by the individuals throughout the nation, who have heretofore followed the standards of political party. It is that of discarding every remnant of rancor against each other; of embracing, as countrymen and friends; and of yielding to talents and virtue alone, that confidence which, in times of contention for principle, was bestowed only upon those who bore the badge of party communion.

“ The collisions of party spirit, which originate in speculative opinions, or in different views of administrative policy, are, in their nature, transitory. Those which are founded on geographical divisions, adverse interests of soil, climate, and modes of domestic life, are more permanent, and, therefore, perhaps, more dangerous. It is this which gives inestimable value to the character of our govern-

ment, at once federal and national. It holds out to us a perpetual admonition to preserve, alike and with equal anxiety, the rights of each individual state in its own government, and the rights of the whole nation; in that of the union. Whatever is of domestic concernment, unconnected with the other members of the union, or with foreign lands, belongs exclusively to the administration of the state governments. Whatsoever directly involves the rights and interests of the federative fraternity, or of foreign powers, is of the resort of this general government. The duties of both are obvious in the general principle, though sometimes perplexed with difficulties in the detail. To respect the rights of the state governments is the inviolable duty of that of the union: the government of every state will feel its own obligation to respect and preserve the rights of the whole. The prejudices every where too commonly entertained against distant strangers, are worn away, and the jealousies of jarring interests are allayed by the composition and functions of the great national councils, annually assembled from all quarters of the union, at this place. Here the distinguished men from every section of our country, while meeting to deliberate upon the great interests of those by



whom they are deputed, learn to estimate the talents, and do justice to the virtues of each other. The harmony of the nation is promoted, and the whole union is knit together, by the sentiments of mutual respect, the habits of social intercourse, and the ties of personal friendship, formed between the representatives of its several parts, in the performance of their service at this metropolis.

“ Passing from this general review of the purposes and injunctions of the federal constitution, and their results, as indicating the first traces of the path of duty, in the discharge of my public trust, I turn to the administration of my immediate predecessor, as the second. It has passed away in a period of profound peace; how much to the satisfaction of our country, and to the honor of our country's name, is known to you all. The great features of its policy, in general concurrence with the will of the legislature, have been—To cherish peace while preparing for defensive war—To yield exact justice to other nations, and maintain the rights of our own—To cherish the principles of freedom and of equal rights, wherever they were proclaimed—To discharge, with all possible promptitude, the national debt—To reduce, within the narrowest limits of efficiency, the military force—

To improve the organization and discipline of the army—To provide and sustain a school of military science—To extend equal protection to all the great interests of the nation—To promote the civilization of the Indian tribes; and—To proceed in the great system of internal improvements, within the limits of the constitutional power of the union. Under the pledge of these promises, made by that eminent citizen, at the time of his first induction to this office, in his career of eight years, the internal taxes have been repealed; sixty millions of the public debt have been discharged; provision has been made for the comfort and relief of the aged and indigent, among the surviving warriors of the revolution; the regular armed force has been reduced, and its constitution revised and perfected; the accountability for the expenditures of public moneys has been made more effective; the Floridas have been peaceably acquired, and our boundary has been extended to the Pacific ocean; the independence of the southern nations of this hemisphere has been recognized, and recommended, by example and by council, to the potentates of Europe; progress has been made in the defence of the country, by fortifications and the increase of the navy—towards the effectual suppression of the African

traffic in slaves—in alluring the aboriginal hunters of our land to the cultivation of the soil and of the mind—in exploring the interior regions of the union, and in preparing, by scientific researches and surveys, for the further application of our national resources to the internal improvement of our country.

“ In this brief outline of the promise and performance of my immediate predecessor, the line of duty, for his successor, is clearly delineated. To pursue to their consummation those purposes of improvement in our common condition, instituted or recommended by him, will embrace the whole sphere of my obligations. To the topic of internal improvement, emphatically urged by him at his inauguration, I recur with peculiar satisfaction. It is that from which I am convinced that the unborn millions of our posterity, who are in future ages to people this continent, will derive their most fervent gratitude to the founders of the union; that in which the beneficent action of its government will be most deeply felt and acknowledged. The magnificence and splendor of their public works are among the imperishable glories of the ancient republics. The roads and aqueducts of Rome have been the admiration of all after ages, and have survived,

thousands of years, after all her conquests have been swallowed up in despotism, or become the spoil of barbarians. Some diversity of opinion has prevailed with regard to the powers of congress for legislation upon objects of this nature. The most respectful deference is due to doubts, originating in pure patriotism, and sustained by venerated authority. But nearly twenty years have passed since the construction of the first national road was commenced. The authority for its construction was then unquestioned. To how many thousands of our countrymen has it proved a benefit? To what single individual has it ever proved an injury? Repeated liberal and candid discussions in the legislature have conciliated the sentiments, and approximated the opinions of enlightened minds, upon the question of constitutional power. I cannot but hope, that, by the same process of friendly, patient, and persevering deliberation, all constitutional objections will ultimately be removed. The extent and limitation of the powers of the general government, in relation to this transcendently important interest, will be settled and acknowledged, to the common satisfaction of all; and every speculative scruple will be solved by a practical public blessing.

“ Fellow citizens, you are ac-

quainted with the peculiar circumstances of the recent election, which have resulted in affording me the opportunity of addressing you at this time. You have heard the exposition of the principles which will direct me in the fulfilment of the high and solemn trust imposed upon me in this station. Less possessed of your confidence, in advance, than any of my predecessors, I am deeply conscious of the prospect that I shall stand more and oftener in need of your indulgence. Intentions upright and pure; a heart devoted to the welfare of our country, and the unceasing application of the faculties allotted to me, to her service, are all the pledges that I can give for the faithful performance of the arduous duties I am to undertake. To the guidance of the legislative councils; to the assistance of the executive and subordinate departments; to the friendly co-operation of the respective state governments; to the candid and liberal support of the people, so far as it may be deserved by honest industry and zeal, I shall look for whatever success may attend my public service: and knowing that, except the Lord keep the city, the watchman waketh but in vain, with fervent supplications for his favor, to his overruling Providence, I commit it, with humble but fearless confi-

dence, my own fate, and the future destinies of my country."

The vacancies which were made in the cabinet by the election of the secretary of state and war to the presidency and vice-presidency, and by the retirement of the secretary of the treasury, rendered it expedient to convene the senate, immediately after the dissolution of the eighteenth congress. On the 4th of March, the same day when the president was inaugurated, the members assembled, and after the necessary formalities were gone through, the vice-president took the chair, and addressed the senate upon the importance of its duties, and the immediate dependence of all the other departments of the government upon that body. After glancing at the construction of the senate, and commending the character it had sustained, he proceeded to say, that while presiding, "he should only regard the senate and its duties, and should strive with a feeling of pride to preserve the high character already attained by the senate for dignity and wisdom, and to elevate it, if possible, still higher in public esteem." The new members then appeared, and took their seats. Upon the presentation of the credentials of Mr. Lanman, of Connecticut, a question was raised as to his right to a seat under the following cir-

cumstances. Previous to the expiration of his term of service, the legislature of Connecticut had endeavored without success to choose a person to fill the vacancy whenever it should occur, and finally adjourned without making a choice. After the adjournment of the legislature, the governor transmitted to Mr. Lanman a temporary appointment as senator, in contemplation of the vacancy, under that part of the constitution authorising appointments by the state executives, "when vacancies happen by resignation or otherwise, during the recess of the legislature."

A committee was appointed to search for precedents, and reported the following cases bearing on the question before the senate.

On the 27th of April, 1797, William Cocke was appointed a senator by the governor of Tennessee, to fill the vacancy caused by the expiration of his term of service on the 3d of March preceding, and took his seat on the 15th of May, and was qualified.

This case differed from Mr. Lanman's only in the fact that Mr. Cocke was appointed after the vacancy had occurred, and Mr. L. was appointed in anticipation of a vacancy. The case of Uriah Tracy, from Connecticut, in 1801, resembled the one before the senate in every particular, and the ques-

tion was there raised as to his right to take his seat. The senate then determined in favor of Mr. Tracy by a vote of 13 to 10.

Two cases subsequently occurred similar to this precedent, viz. Joseph Anderson, a senator from Tennessee, in 1809, and John Williams, from Tennessee, in 1817. To the admission and qualification of these senators no objection was made. The question was considered as settled by the decision in 1801, and they took their seats. The senate now, however, came to an opposite conclusion, and by a vote of 23 to 18, decided that Mr. Lanman was not entitled to his seat.

The senate then went into the consideration of executive business, and confirmed the nominations made by the President for the several departments. Henry Clay, of Kentucky, was appointed secretary of state; Richard Rush, of Pennsylvania, secretary of the treasury; James Barbour, of Virginia, secretary of war.

To the appointment of Mr. Clay, a warm opposition was made on the part of a few senators, and the injunction of secrecy being removed, the vote appeared to have been 27 in favor, and 14 against it.

Mr. Noble, of Indiana, who came in after the vote had been

taken, requested permission to record his name in the affirmative, but the senate decided it not to be in order. As the vote removing the injunction of secrecy did not extend to the reasons urged by the opposers of his appointment, we cannot present to our readers their motives for voting against Mr. Clay. Mr. Noble, however, thought it necessary, on account of his absence, to declare what his vote would have been, and to assign his reasons for voting in favor of Mr. Clay: these were, first, his distinguished talents, and secondly, "because he would not oppose an administration, at the commencement, for party purposes."

After disposing of the nominations made by the executive, the senate took into consideration the treaty made with Colombia for the suppression of the slave trade. This treaty was made in conformity with a resolution of the house of representatives, recommending to the executive to make treaties, giving the mutual right of search of vessels in suspected parts of the world, in order more effectually to prevent the traffic in human flesh. The amendments proposed by the senate, at the last session, to the treaty with Great Britain, for the same purpose, were introduced into this treaty, but the fate of the treaty with England had probably caused a change in the minds of

some of the senators, and other views had been taken of the subject by others, and the treaty was rejected by a vote of 28 to 12.

The divisions which had been taken on the foregoing questions, left little doubt that the new administration was destined to meet with a systematic and organized opposition; and, previous to the next meeting of congress, the ostensible grounds of opposition were set forth at public dinners and meetings, so as to prepare the community for a warm political contest, until the next election. Those who placed themselves in opposition to the administration, without reference to its measures, urged as reasons for their hostility, that Mr. Adams' election was the result of a bargain between Mr. Clay and himself; and his election of Mr. Clay, as secretary of state, was relied upon as a conclusive proof of the bargain; that he was elected against the expressed will of the people; and that congress, by not taking general Jackson, the candidate having the highest number of votes, had violated the constitution, and disobeyed their constituents. Personal objections were also urged; but as these formed no part of the justification of the opposition which was to be arrayed in anticipation of measures, it is unnecessary to give them a place. Those who were friendly to the

new administration, or disposed to judge of it by its acts, replied to these objections, that Mr. Clay, as a representative, was obliged to decide between three candidates for the presidency, and that his vote was in accordance with all his previous declarations : that his own situation as a candidate who might possibly succeed, rendered it unsuitable for him to express any preference for either of the other candidates, until the decision by the legislature of Louisiana (first heard at Washington 27th December,) had left him free to decide between his former competitors : that Mr. Crawford, though constitutionally a candidate, was virtually withdrawn by the situation of his health, and that as between Mr. Adams and general Jackson, the previous deliberate expression of his sentiments as to the latter's character and qualifications for a civil office, rendered it impossible for him to vote for him without the most gross inconsistency : that Mr. Adams' experience, learning, and talents were guarantees for his proper performance of the duties of the chief magistracy, which were not in the power of his competitor to offer, and that having been compelled to discharge this duty as a representative of the people, it would have argued an improper distrust of his own character and of public opinion, to have

refused to take the appointment of secretary of state from Mr. Adams, because he had contributed by his vote to elect him to the presidency. As to the fact of his selection as secretary of state, they vindicated it on the ground, that his situation as speaker of the house, and his long and intimate acquaintance with our national affairs, made him the most prominent candidate for that station, and the strong support he received in the west for the presidency, showed that his appointment would gratify a part of the union, which, until then, had never been complimented with a representative in the cabinet.

The other objections to the election of Mr. Adams, they contended were contrary to the spirit and letter of the constitution. By the electors refusing to give a majority for either of the presidential candidates, they had committed the question to the decision of congress. The will of the people, so far as expressed, was, that no person should be elected, except by the concurrence of thirteen states in congress ; and they were empowered to select either of the three highest candidates. That this constitutional provision was to prevent the choice by any number less than a majority, and that to confine congress to the selection of the candidate having the highest number, was to



render it nugatory, and to degrade its office from a body having power to decide, into one possessing only the right to sanction the vote of a plurality of the electors.

They also denied that the will of the people was expressed in favor of general Jackson, and said that in New Jersey, Maryland, North Carolina, and Louisiana, the electoral votes were procured by political combinations, for the very purpose of defeating the popular candidates in those states, and to carry the election into congress; that in the two former states the friends of Mr. Crawford openly supported the Jackson electors, for the purpose of weakening Mr. Adams, and that in North Carolina the votes of Mr. Adams' friends were given to the Jackson electors, to defeat Mr. Crawford, who had a plurality of the voters; and in Louisiana a similar combination was made between the friends of Adams and Jackson, to defeat Mr. Clay, who was the favorite of the state.

To the assertion that the representatives had disobeyed their constituents, in voting for Mr. Adams, they replied, that of the states where he did not obtain a majority of the electors, but whose representatives voted for him in congress, Kentucky, Ohio, and Missouri voted for Mr. Clay, and, consequently,

they were left free to choose as between Adams and Jackson. In Maryland and Illinois, though Jackson received the greater number of electoral votes, Adams obtained more of the suffrages at the polls, and that in Louisiana the support of both was nearly equal, and that that support had been obtained by virtue of an arrangement among their friends in the legislature, and afforded no criterion of popular favor.

Such were the arguments offered both by the opponents and supporters of the administration for their several courses, and it became obvious to the most superficial observer, that new parties were forming themselves, and that the old lines of division would soon be obliterated in the approaching contest. It could not, indeed, be expected that the ancient party distinctions would be at once annihilated. Men who have from youth to maturity been arrayed in political opposition, cannot immediately forget their old associations and enmities, and time was required to merge the federal and democratic parties in those of opposition and administration. The war, and the political calm which followed it, had contributed much to the extinction of those parties. The questions which first created them had passed away, and belonged to

the history rather than to the politics of the country ; and the war, by presenting a new object of attention, had attracted the people from their party disputes to the public defence, and united them as Americans under the standard of their country.

Other questions, too, had arisen under the administration of Mr. Monroe, and differences of opinion, equally strong with those of former times, had done much to break up the ruling party ; and the federal party, by relinquishing the contest in many of the states, had augmented the divisions among their opponents, by removing that strong bond of union which arises from the fear of a powerful antagonist.

Of all the questions which had been agitated during the late administration, none had a greater influence in producing this result, than that relating to the admission of Missouri into the union. Although this question only related to the extinction of slavery in Missouri, it was represented as an attempt upon that species of property in the southern states, and was construed into a systematic design, on the part of those who supported it, to deprive the planters of their property, and to disturb the domestic tranquillity of the south.

This feverish state of excitement

among the southern people, which can scarcely be understood, except by those who consider their deep pecuniary interest in the continuance of the present state of things, and the danger to themselves and families in any hasty and ill-judged interference with so delicate a subject, had disposed them to this new organization of parties, and afforded the surest and most consistent support to those who opposed the election of Mr. Adams, and the most ready and natural allies of those who arrayed themselves from the commencement in opposition to his administration. Influenced by this apprehensive feeling, to which we have alluded, they did not stop to consider how far it was justified by the sentiments of Mr. Adams and his friends ; but taking it for granted, that as they desired the extinction of slavery, they would not be restrained by constitutional nor prudential considerations from accomplishing that object, the leading politicians of the south early manifested an unfriendly disposition to the new administration, and became, in fact, the nucleus of the opposition.

This feeling affords an explanation of the fact, that the representatives of the southern states at once took ground against the administration ; and those who differed

widely as to the constructive powers of congress and the national government, still united in this opposition. Other reasons were assigned, but in the discussion of several questions, having only a remote bearing to this subject, the feeling betrayed itself so strongly, as to create the belief that those reasons were not the real motives for their hostility.

In the controversy which took place between the national government and the executive of Georgia, in relation to the Creek nation, great efforts were made by governor Troup to avail himself of that feeling, but the grounds of accusation assumed by him were so untenable, and his charges so promptly disproved, that this appeal to local prejudices was not attended with success.

This controversy, which attracted much attention during the year, grew out of a compact made between the general government and the state of Georgia in 1802. By that compact the United States agreed, in consideration of Georgia relinquishing her claim to the Mississippi territory, to extinguish, at the national expense, the Indian title to the lands occupied by them in Georgia, "whenever it could be peaceably done, upon reasonable terms." Since making that agreement, the general government had extinguished the Indian title to about

15,000,000 acres, and conveyed the same to the state of Georgia. There still remained in that state 9,537,000 acres in possession of the Indians, of which 5,292,000 belonged to the Cherokees, and the remainder to the Creek nation.

Shortly before the termination of Mr. Monroe's administration, the state government became very urgent for the entire removal of the Indians from the state; and at the solicitation of the governor, the late president appointed two commissioners, selected by the governor of Georgia, to make a treaty with the Creeks for the purchase of their claim.

It should be borne in mind, that the United States, in pursuance of a policy adopted at the commencement of the government, and of a treaty concluded with the Creeks previous to the compact with Georgia, had endeavored to civilize the Indians, and to allure them from the wandering habits which present such powerful obstacles to their improvement. The effect of this policy was now evinced by the reluctance of the Creeks to dispose of any more of their territory. They had felt the superior comfort and security of their new mode of life, and were unwilling again to encounter the hardships and privations of the hunter state. To prevent the possibility of any further alienation of territory, a law

was enacted, making it a capital offence to sell any more land. To the solicitations of the commissioners for a part of their territory, they accordingly replied, that they had no more land than they wanted, and no presents nor persuasions could induce the council of the nation to give a different answer. A portion of the Creeks was, however, of a different opinion, and when the council was broken up, by the departure of the great majority of the chiefs, a few were induced to remain, and to conclude a treaty, by which all the lands of the Creek tribes in Georgia and Alabama were ceded to the United States. This treaty was made the 12th of February, 1825, and was transmitted to the senate, and sanctioned by that body, on the 3d of March, the last day of the session. The time when this treaty was sent into the senate, prevented a proper examination of the subject, and, at the close of the session, it could not have received that consideration to which it was entitled. When the news of the ratification of the treaty arrived among the Creeks, it produced great excitement. A secret council of the nation was called, and a resolution adopted not to accept the treaty, and the death of M'Intosh, the leader and chief of the party that assented to it, was also deter-

mined on, as an offender against the law prohibiting the further cession of land. This determination was carried into effect by a party of Indians, who surrounded his house on the 30th of April, and shot him and another chief, who had also signed the treaty. This course on the part of the Creeks presented a new question, and a controversy soon grew out of it between the general government and governor Troup. The governor contended, that upon the ratification of the treaty, the fee simple of the lands became vested in Georgia, and subject to her authority. As he undertook to act upon these assumptions, and called the legislature together for the purpose of surveying these lands, and distributing them among the citizens of the state by lottery, great reason existed to apprehend that a war would be provoked with the Creek nation by these steps on the part of the state government. The remonstrances of the Creek chiefs against the treaty, the very general suspicion that it was obtained by unfair means, and the complaints of governor Troup against the Indian agent, induced the president to appoint a special agent to investigate the business, and, at the same time, general Gaines was ordered to repair to the Creek country, with a competent number of

troops, to restore tranquillity among the Creeks, and to prevent any disturbances between them and the frontier settlers. After a full examination of the Creek chieftains, the special agent reported the facts to the war department, and the bad faith and corruption were so strongly supported by the statements of the witnesses, and so great a majority of the tribes (about  $\frac{4}{5}$ ) appeared to be hostile to the treaty, that the president decided not to suffer any interference with them, until the meeting of congress. This decision gave great offence to governor Troup, and he threatened to take the execution of the treaty into his own hands; but the firm and decided tone which the president at last was compelled to adopt, induced him to leave the affair to the constitutional authorities.

Although the president had thus resolved to postpone the execution of the treaty from motives of humanity to the Creek tribes, he was still anxious to satisfy the claims of Georgia, and the efforts of the war department were directed to the accomplishment of that object, provided it could be done without violating the rights of the Indians. While on the one side a number of chiefs belonging to the M'Intosh party, presented themselves at Washington, to urge the government to espouse their quarrel with

their countrymen; on the other, a deputation was appointed in council, on the part of the nation, to repel their complaints, and to negotiate with the secretary of war concerning their boundaries. This deputation was instructed not to admit, in any shape, the validity of the late treaty, nor the illegality of M'Intosh's execution; but to fix upon some course by which the tribes might not be entirely removed from their country, and, at the same time, to enable the United States to perform its contract with Georgia.

After a long negotiation, a treaty was concluded between the secretary of war and this deputation, by which the old treaty was annulled, and the Creek nation ceded to the United States all the land east of the Chatahoochy river, and a tract west of the river, beginning 47 miles below the intersection of the boundary line between the Creeks and Cherokees and the Chatahoochy, and thence 30 miles west of Buzzard's roost, thence to Buzzard's roost, and thence to the place of beginning. This was afterwards extended to certain points, so as to comprehend all the Creek lands within the estimated limits of Georgia, for the sum of \$30,000. The consideration of the new treaty was \$217,000 paid to the Creek nation, and a perpetual annuity of \$20,000. To the M'Intosh party,

the United States agreed to pay \$100,000, provided that party amounted to 3000; and so in proportion for a smaller number.

The improvements were to be estimated and paid for by the United States, and a tract of land beyond the Mississippi was to be provided, at their expense, for the accommodation of those who might choose to emigrate, and the expense of removal, and of the first year's subsistence, was also to be borne by the federal government. The chief difference between this treaty and the one declared void, was in the amount of territory ceded, of the consideration, and the manner in which that consideration was distributed. By the void treaty, the whole Creek territory in Alabama, as well as in Georgia, was ceded for the sum of \$400,000, to be distributed by the commissioners who negotiated the treaty. By the new treaty, the Creeks retained all their land in Alabama, and received a more liberal compensation, which was to be paid to the representatives of the whole nation. Opposition, however, was made to the new treaty by the Georgia delegation, and by others unfriendly to the national administration. The committee on Indian affairs, in the senate, reported through (Mr. Benton) their chairman against the ratification of the treaty, but the senate ratified

the same by a vote of 30 to 7, of which latter number three had been placed on the committee, who reported against it. In the house of representatives, the unanimity was still greater. On the passage of the bill making appropriations to carry into effect the new treaty, the vote stood 167 to 10.

To the passage of this bill, the Georgia delegation offered a protest, in which having described the treaties, (which the protest styles contracts,) the delegation proceeds to declare that the first treaty partially fulfilled the obligations of the United States towards Georgia, and removed every difficulty interposed by the occupation of the Creeks to the full exercise of all the vested rights of the state over a large portion of her territory: that the government of the United States, nor any branch of it, could not invalidate nor interrupt, without the consent of Georgia, her right secured by that treaty, ratified with all due solemnity: that the new treaty differs from the old one in not providing for the removal of the Indians until 1827, and then not expressly providing for their removal from all the land occupied by them in Georgia; they "therefore protest against it as violating the rights of that member of the union of which they are the representatives, leaving it to the constitutional organs of the state



sovereignty to vindicate or wave those rights, as their own sense of propriety, their duty to the people of the state, and their reverence for the union of the states, under the federal constitution, may dictate." To the entry of this protest on the journal of the house, some objection was made; but on the ground that it was a protest on the part of a state delegation, as such it was permitted, by a vote of 82 to 61.

The unanimity with which the conduct of the executive, in the settlement of this intricate and unpleasant controversy, was approved by congress, was as unexpected as it was satisfactory to the people in every part of the country, except in the state of Georgia itself, where strong and excited feelings prevented a fair and impartial consideration of the question.

At the commencement of the dispute, governor Troup, in order to obtain support in other states, appealed to the peculiar sympathies of the citizens in the adjoining states, and in his first legislative message, accused the national government with an improper and unconstitutional interference with the slave property in the southern states. The facts he adduced in support of this charge were, 1st. A resolution, submitted by Mr. King, of New-York, pledging all public

lands which were not pledged for the redemption of the public debt, as a fund for the emancipation and removal beyond the limits of the United States, of such slaves as were allowed to be removed or emancipated "by the laws of the several states respectively."

2dly. Certain expressions which he imputed to the attorney general of the United States, as uttered in the argument of the case of certain Africans, who were captured, and brought into the United States, and whose freedom was claimed, as having been transported in contravention of the laws of this country, by American citizens. These expressions, which, if they had been used in a legal discussion, would not have warranted any charge against the general government, were magnified by governor Troup into deliberate opinions uttered by its official organ, and as showing its intention to divest the citizens of the south of their property without compensation. To avert this impending danger, he called upon them "to stand by their arms." This call, which in any other country would have been regarded as an indication of civil war, did not produce any general apprehension of serious consequences, although it was sanctioned by a report to the state legislature. In the United States, these ebullitions of lo-

cal feelings are safely left to the care of public opinion, and the moral sentiment of the community; and the threats and denunciations of Governor Troup were not productive of any result, except a warm and rather undignified correspondence between him and the United States agents stationed in the Creek country. Between him and the war department, the dispute was terminated by the refusal of the president to permit any encroachment upon the Indian lands, and the orders of the secretary to arrest and deliver over to the judicial authority all intruders upon their territory.

The premature alarm which the governor had sought to create in relation to the slave property, by alluding to the official opinions of the attorney general, was entirely prevented by the prompt contradiction, by that gentleman, of the opinions imputed to him, and by the declaration of the person to whom governor Troup appealed to substantiate his assertion, that he had been wholly misunderstood. The conclusion of this business in congress showed how small was the effect produced by the intemperate course of the state government, and the little sympathy felt by the nation for the unfounded complaints of governor Troup.

While the national government

was thus extending its protecting care to the southern Indians, the unfortunate aboriginals in the north western states and territories were not neglected. In conformity with the system which was first laid down under Washington's administration, and to which public attention had this summer been forcibly attracted, the national authorities earnestly sought to avert the extinction of the tribes, which wandered over that vast wilderness, and to promote their happiness by the introduction of peace and civilization. With this benevolent view, governors Cass and Clark were deputed to treat with the Indians of the upper Mississippi for the purpose of restoring peace between the tribes of that part of the country. For many years past, hostilities had been carried on between the Sioux on one side, and the Foxes, Sacs, and Menominies on the other. Wars had also existed between them and the Chippawas, Winnebagoes, Ottowas, and Potawatomes, on account of their hunting grounds, and unsettled boundaries. In the month of August, deputations from these several tribes, to the number of 2000 and upwards, met the United States commissioners at Prairie des Chiens, and entered upon the discussion of their several claims under the mediation of the United States. Maps were produced, and

the boundary lines between the several tribes, consisting chiefly of water courses, were finally adjusted, though not without much discussion. After a fortnight's negotiation, a peace was finally concluded between the tribes, and the tomahawk formally buried, for the first time for nearly a century.

The total expense for presents and subsistence in accomplishing this benevolent work, did not exceed \$40,000 ; and the dictates of sound policy towards our own citizens, in securing tranquillity upon the frontier, as well as motives of humanity, were both consulted in this expenditure.

Another object of the government was, to remove the tribes scattered through the several states, to a tract of country west of the Mississippi, and to concentrate them into one nation, with some plan for their government and civilization. This plan was fully developed in a message of the late president, 27th January, 1825, in which its advantages were strongly depicted. With the constant superintendence and protecting care of the federal government, this scheme might be put in practice, and the annihilation of the original inhabitants of the American forest prevented. Without that care, the policy of bringing tribes with savage habits and inimical

feelings into immediate contact, may be well doubted.

To carry this plan into effect, treaties were made with the Osages and the Kansas, extinguishing their titles to the territory west of the Mississippi, excepting to certain reservations for their own use, and providing those tribes with domestic animals, blacksmiths, and persons to teach them agricultural employments. By these treaties, a tract was provided for those Indians, who might be induced to emigrate from the states on this side of that river. The Indians, however, were generally unwilling to remove, and, at a meeting with some of the tribes in Ohio, in May, 1825, they refused to do any thing to promote the views of our government. The Shawanee tribe, in Missouri, were not so reluctant to comply with that arrangement ; and, in consideration of a sum of money, and an annual payment in iron, with a blacksmith to work it, at the expense of the United States, they exchanged their lands for a tract in the territory purchased from the Osages, and agreed to remove thither. Treaties of amity and protection were also made with most of the tribes in that vast tract between Missouri and Mexico, by which the Indians permitted the United States to lay out a road through their lands, for the traders

between those places, who had become numerous and entitled to attention. By all these treaties, the sovereignty of the United States was acknowledged, as well as their right to regulate the trade of the Indians with civilized nations.

It having been found impossible to carry into operation the system proposed by Mr. Monroe, for the preservation and civilization of the aborigines, on account of the reluctance of the Indians to dispose of any more of their territory; a modification was proposed by Mr. Barbour, the secretary of war, to the last congress. The outlines of this new plan were: to set apart the territory west of the Mississippi beyond the states and territories, and that east of the Mississippi lying west of lakes Huron and Michigan, for their exclusive abode, under a territorial government, to be maintained by the United States. 2dly. To induce them to remove as individuals, and not in tribes, and to leave those who do not wish to go, in their present possessions. 3dly. When circumstances should justify it, to amalgamate the tribes in one mass, and distribute their property among the individual Indians. Common schools to be established in the villages; assistance to be afforded them in commencing agricultural life; to furnish them with stock,

grain, and fences; and to commute the annuities now paid to them for a fixed sum, to be divided as individual property, were also recommended as the details of this system. The plan of the secretary was reported to the house of representatives by the proper committee, and a bill brought in to carry it into effect. Common schools had already been established among the Caddoes, and at Michillimackinac, and were attended by nearly 1200 scholars; thus proving the practicability of introducing instruction among the savages. The other measures had been attended with the most beneficial consequences among the southern Indians, some of whom had attained a high degree of civilization. The zeal and energy with which this subject, so interesting to humanity and momentous to the character of the country, were now taken up, excited sanguine hopes that the condition of the aborigines would be permanently improved, and the remnant preserved, to fulfil the end of their existence as civilized beings. Enough had been done before to evince the sincerity of the government to meliorate their situation; but while Spanish and British agents were permitted to trade with them, and to excite them to hostility against the United States, all our efforts

were counteracted, and the confidence of the Indians, in the views of the American government, destroyed. By the extension of our frontier settlement, since the war with Great Britain, and the judicious positions of the regular troops, this interference was now prevented, and the tribes subjected to the sole superintendence and care of the federal authorities. The benevolent views of the government were now prosecuted without interruption, and a visible improvement was yearly manifested in the condition of the remaining tribes. The appropriations made by the 19th congress, at the first session, to the Indian department, for the civilization of the aborigines, and to fulfil the treaties with them, amounted to nearly \$1,000,000, a sum equal to the whole civil list of the government. The number of Indians in the several states and territories, appeared by a report from the secretary of war, at the beginning of the year, to be about 130,000, of which about 97,000 were east of the Mississippi, and south of Michigan. Many of these were partially civilized, as the Creek, Cherokee, Choctaw, and Chickasaw nations, in the south, and some of the eastern Indians, leaving only between 40 and 50,000 Indians whose removal could be effected with propriety.

Towards the Florida Indians, who were in a state of great suffering from want of food, the government manifested its usual humanity. A bill appropriating \$20,000, to furnish them with the means of subsistence, was passed by congress, and they were relieved from their distress, which was on the point of becoming extreme. An attempt was made to connect this bill with the policy of removing the aborigines beyond the Mississippi; but the house refused to consider the subjects together, and granted the required relief, without annexing to it the condition of removal.

Another subject which attracted public attention, during the recess of congress, was, the inquiry instituted into the conduct of captains Porter and Stewart.

Shortly before the termination of Mr. Monroe's administration, Captain Porter was recalled from his command in the West Indies, on account of his landing at Foxardo, and compelling the authorities of that place to apologize for their misconduct towards one of the officers of his squadron. The circumstances of this hostile landing on a Spanish island, appeared to Mr. Monroe to be of sufficient importance to warrant a court of inquiry into captain Porter's conduct; and one was ordered, which

assembled at Washington, in the month of May, 1825. After commencing its inquiries, a controversy took place between the accused and the court, which resulted in the withdrawal of captain Porter from the court, and a publication by him of its proceedings, and his reasons for withdrawing. The court proceeded in its inquiries, notwithstanding the absence of the accused, and reported its opinion to the president. The consequence was, that a court martial was ordered to try captain Porter upon two charges; the first for violating his instructions, and committing acts of hostility against the subjects of Spain, by landing at Foxardo; and the other for insubordinate and unbecoming conduct, growing out of his controversy with the court of inquiry. The specifications under this last charge were, certain letters to the president and the secretary of the navy after his recall; the premature publication of an incorrect statement of the proceedings before the court of inquiry, accompanied with disrespectful insinuations against the court and the secretary of the navy; and the publication of his official orders and correspondence without permission. Of these charges, the court martial, which met in the following July, found him guilty, and sentenced him to a suspension of six months.

It afforded no small gratification to the friends of the navy, that in the course of the inquiries into captain Porter's conduct, it was not found tainted with speculation, and that he was actuated with the most earnest desire to promote the interest and honor of his country while on his West India station.

To this was attributed the lightness of the sentence which the court imposed, after bringing him in guilty on both charges.

The charges against captain Stewart were of a graver character, and such as to touch his fame as an officer and man of honor; but the court, after a minute and deliberate investigation, acquitted him of every charge, and accompanied the acquittal with a high compliment to his conduct while in the Pacific.

Shortly after the commencement of Mr. Jefferson's administration, the attention of the general government was directed to the improvement of the internal communications of the country. The Cumberland road was commenced under his administration, and was continued under his two successors. During the late war with Great Britain the difficulty of internal communication, and the danger of transporting goods by sea, had shown the advantages of canals; and the complete success of the New York canal had imparted



great popularity to this species of communication. The advocates of internal improvement soon brought the subject before congress; and while on the one hand the policy was vindicated, by an enumeration of the advantages which must result from certain improvements, to whose completion the resources of the general government alone were adequate, and which, from their passing through several states, naturally fell within the jurisdiction of congress; on the other, the power of appropriating the resources of the country, by congress, to that object was denied, as not being found within the express words of the constitution.

By the constant and uniform decisions of several successive congresses, this constitutional objection seemed to be overruled; and during this year the attention of the federal government was particularly directed to the improvement of the internal communications between the states.

During the last session of the 18th congress, appropriations were made for surveying and laying out roads from Little Rock to Cantonment Gibson, in Arkansas; from St. Mary's river to the bay of Tampa, in Florida; from the western boundary of Missouri to the confines of New Mexico; and from Pensacola to St. Augustine. An appropriation was also made for

making surveys in different parts of the Union, and the secretary of the treasury was authorized to aid the Chesapeake and Delaware canal company by subscribing for 1500 shares of its stock.

The topographical corps, which had been enlarged, was actively employed during the summer of 1825, in executing these surveys; and the favorable reports from the engineer department on the subject of roads and canals, induced the 19th congress, at its first session, to make further appropriations for new surveys. In addition to \$50,000, appropriated for the expenses of exploring and surveying the country at large, specific appropriations were made for the survey of a canal route between the Atlantic and the Gulf of Mexico; for repairing the post roads between Jackson and Columbus, in Mississippi, and between Chatahoochy and Line Creek, in Alabama, and for repairing and continuing the Cumberland road. \$150,000 were subscribed on the part of the government to the stock of the Disraeli Swamp canal company, and three fifths of the 5 per cent. reserved from the proceeds of the public lands in Mississippi, were given to that state for the purposes of internal improvement. Appropriations were also made for the survey of various harbors on the sea-coast, and for the deepening of

their channels, as well as to secure them from storms. The execution of these several acts for the improvement of the internal communications between the states, was entrusted to the war department.

The attention of the engineers during the summer of 1826, was occupied in surveying a route for a national road, between the seat of government and New Orleans; a road between the rapids of the Miami of Lake Erie to Detroit, and thence to Chicago, in Illinois; and the roads specially directed by congress. Surveys were also made of routes for the Chesapeake and Ohio canal; for that between Lake Pontchartrain and the Mississippi; for the Florida canal; and for canals to connect the basin of Baltimore with the Chesapeake and Ohio canal; to connect Kenhawa with James and Roanoke rivers; between Pittsburg and Lake Erie; between Ohio and Lake Erie; and to unite the St. Mary's, St. Joseph and Wabash rivers with the Ohio. The Kennebeck and its branches were also surveyed, and routes for the Gardiner, the Brunswick, the Ammonick, the Sunapee, the Oliverian, the Dover canals, and the Passumpsic and Rutland routes.

Improvements were made in the navigation of the Ohio and Mississippi, but the contract made for the removal of the obstructions in those rivers, was very imperfectly execu-

ted. The federal authorities now began seriously to apply the resources of the country to its improvement: and scarcely in any way except by the presence of its officers, directing the execution of some work of internal improvement, were the inhabitants of the interior made sensible of the existence of a national government; unless when biennially called upon, to elect their representatives in the national councils.

To the exercise of the power of expending the public monies in making roads and canals by congress, serious objections were entertained by many, who did not doubt the constitutional authority. While they admitted that the national government possessed the power, to construct canals for the purpose of facilitating the commercial intercourse between the states, and that, in some instances, it might be exercised with signal benefit to the whole Union; they feared that it would invest the federal authorities with unlimited patronage, which would ultimately lead to great corruption in the administration of the government; and also, that it would create competition and jealousy among the several states for the aid of the federal government in making canals and roads, wholly of a local character.

The manufacturing establish-

ments which had sprung up in different parts of the country, in consequence of the abundance of capital, and the augmentation of duties by the last congress, were in a flourishing condition, and promised to secure a permanent footing among the great branches of American industry. The new markets which were opened in South America, and the greater ability of the country to engage in such employments, afforded them encouragement of a more certain and beneficial character, than prohibitory duties; and the increase of nearly a million of dollars in the exports of American manufactures, in 1825, over those of 1824, gave the most satisfactory evidence of the success of this branch of national industry. An increase in the same year of 30,000 tons of American shipping entering, and 40,000 tons departing from our ports, showed that the navigating interest was in a flourishing condition, and that the prosperity of the manufacturers was not caused by a subtraction of capital from the shipping business.

At the commencement of the year, great enterprise was manifested in every department of commerce, and a spirit of speculation began to enter into the regular course of trade. This was especially shown in the cotton business. A sudden advance in the price of that article took place in England,

produced partly by the small quantity then in market; but chiefly, by a spirit of commercial gambling, which had infected the whole mercantile community.

Cotton rose in a few weeks from 6*d.* to 16*d.* Coffee, spices, and other West India produce underwent a similar increase of price. Joint stock companies were created to further this disposition to adventure, and to facilitate the means of risking capital in mercantile speculations. Pearl fisheries, rail ways, canals, South American mines, were all proposed as the objects of stock companies, whose projectors promised enormous returns for small investments. The wildest and most extravagant schemes were proposed under the sanction of respectable names, and the price of stocks, both public and private, rose to a height that manifested rather the extent of the excitement, than any advance in the wealth of the community. The South Sea madness seemed to have revived, after the slumber of a century, and the intoxicating delirium of the moment was followed by as great a depression. In England, where this infatuation showed itself in its full strength, the revulsion produced the most extensive bankruptcies that had been known in that kingdom for many years. Cotton in a few weeks fell to its former price; and those in whose

hands it remained were ruined by the depression. These bankruptcies occasioned others, and the alarm and distrust became universal. The public funds fell rapidly. Many of the most eminent banking houses stopped payment, and the ministry were called upon to devise measures for present relief to the intense pecuniary distress. The fictitious wealth which the expansion of the bubbles had created, suddenly disappeared under this pressure; and thousands wakened from their dreams of golden splendor to beggary and ruin. The effects of these failures extended to other countries, and similar distress, though not equal

in degree, was felt on the continent, and in the United States. Over-trading, and an unnatural advance in prices, had their share in producing the embarrassment in this country; but it was not so general, and was not augmented by the panic which was produced in Europe by the readiness with which the community yielded to groundless alarm. Still, however, enough prevailed to give a serious check to the enterprise and prosperity of the mercantile class, and to diminish the confidence of capitalists in those untried projects, which, at the beginning of the year, had received such ready encouragement.



## CHAPTER III

***Opening of the nineteenth Congress.—Amendments to the Constitution, proposed by Mr. M Duffie—By Mr. Benton—Discussion of same—Decision. Proposal to reduce Executive Patronage.***

In conformity with the provisions of the constitution, the two houses of congress assembled in their respective chambers, on the 5th of December, 1825, and commenced the 1st session of the 19th congress. In the senate, 39 members appeared. In the house of representatives, 193 members answered upon the calling of the roll, and proceeded to organize the house. Upon the first ballot for speaker, John W. Taylor received 89, Louis M'Lane, 36, J. W. Campbell 41, and Andrew Stevenson 17 votes : scattering 11. On the second ballot, J. W. Taylor received 99 votes, and was declared to be duly chosen. The next day the president of the United States transmitted his message to congress, by his private secretary, John Adams, Jun. This document set forth the foreign and domestic affairs of the country in a succinct manner, and concluded with recommending certain subjects to the particular attention of congress. It stated that our foreign relations had undergone no material alteration, since the ad-

journment of the preceding congress ; but alluded to the recent important changes which had taken place in the commercial system of Great Britain, and to its effects, which as yet were not fully developed.

It recommended to congress to remove the only restriction to trade still remaining in the system of the United States, viz. that continuing the discriminating duty on articles, not produced nor manufactured in the country to which the vessel belongs, and to permit equal competition to the shipping of all nations. The attention of congress was called to the claims of our merchants upon France, the Netherlands, Naples, and Denmark, and to the unadjusted claims upon Great Britain, arising under the treaty of Ghent. It was still more earnestly directed to the claims of the remnant of the revolutionary army, and speedy relief to its destitute condition, strongly recommended.

A short review was given of the condition of the United States at



the adoption of the constitution, and of their progress since that event; and a new organization of some of the departments of the government suggested, to render the system more conformable to the advance of the country in wealth and population. The judicial system of the government was especially mentioned, as inadequate to the performance of its duties.

The president then proceeded, pursuant to the view, which he took of the powers of congress in his inaugural address, to urge upon the consideration of that body, the necessity of employing the resources of the country, in improving the internal communications between different parts of the union, and making such roads and canals as were either contemplated, or in a course of execution; reminding, however, congress, at the same time, that its authority was derived from a charter of limited powers. A national university and observatory were recommended; as was the exploration of the Northwest Coast, by one of the public ships, for the purpose of contributing to the advance of geographical and astronomical science. The successful efforts of our navy on the West India station, in suppressing piracy, were mentioned with approbation; and such an increase of the naval establishment was re-

commended, as the expanded commerce and augmented power of the country required.

The acceptance, by the executive, of the invitation, extended by the South American republics to the United States, to send ministers to the Panama congress, was communicated to congress; as was the understanding between the several governments, that it was neither expected nor desired that any part should be taken by this country, which should compromise its neutrality.

The finances were said to be in a favorable state; the receipts having exceeded the anticipations of the secretary of the treasury, and the reduction of the public debt having amounted to nearly \$8,000,000. The receipts of the post office department exceeded its expenses \$45,000, though nearly 1,100 new post offices had been established the two preceding years. The message itself will be found in the second part of this volume, and this summary of its contents is given chiefly to show the subjects recommended to the consideration of the legislature, by the executive. Many of the most important of these suggestions were not acted on; other topics having occupied the attention of congress.

Among these, one of the most important in its bearing, though least so in its results, was the proposed

amendment to the constitution. Shortly after the opening of the session, propositions were introduced in both houses, to amend that part which provides for the election of the executive. While the last election was pending, the public attention had been directed to this subject by the conduct of those who advocated the propriety of a recommendation of a candidate for that office, in a joint unofficial meeting of the members of both houses. To this course, it was objected that the house of representatives was the constitutional body to elect a president, when a majority of the electors did not unite in favor of one individual ; and the danger of the members being diverted from their legislative duties by the hopes of power and political influence, was so strongly depicted, as to excite a general regret, that the election could not be entirely removed from the interposition of congress.

It was not, indeed, easy to provide a remedy for the evils, which it was apprehended would, at some future time, grow out of contests in the house ; and no well digested and effectual amendment was to be expected, from a discussion of the subject directly after a warm election. The feelings of the partizans of the successful and disappointed candidates had been too strongly excited, to permit them to

examine the question, with a sole view to the permanency and stability of the constitution. Personal considerations would necessarily enter into its decision ; and fears were entertained that the debates would revive old animosities, and bring on a series of crimination and recrimination, derogatory to the character of the house, and materially interrupt the transaction of its proper and ordinary business.

The first week of the session this subject was brought forward in the house, by Mr. M'Duffie, of South Carolina, in the shape of a resolution to amend the constitution, by establishing a uniform mode of electing the president and vice-president by districts, and declaring the sense of the house in favor of preventing the election from devolving upon congress.

In the senate, Mr. Benton, of Missouri, brought forward, almost simultaneously, a resolution providing for the same object, by a direct vote of the people in districts. This resolution was referred to a committee, which on the 19th of January made a report on the subject, accompanied with a long resolution embracing the amendment proposed.

By this amendment, the voters qualified to vote for the most numerous branch of the state legislature, were to meet in the month

of August preceding the expiration of the presidential term, in their respective districts, to vote for two persons as president and vice-president of the United States. The persons receiving in each district the greatest number of votes for those offices, were to be certified by the governor of the state to the president of the senate, and each of the state senators, as being entitled to the vote of that district. The year of the election, congress were to assemble on the second Monday of October; and the first day of the session, the votes were to be counted in the present manner. If no person should receive a majority of the whole number of votes; a second election was to be ordered in the first week of December, to decide between the two candidates having the highest number of votes: the result of which election was to be certified in the same manner; and the person having the greatest number was to be elected. If a tie should take place on the second ballot; then the house of representatives was to decide in the present mode. This proposition was accompanied with a long and argumentative report, setting forth the advantages of the contemplated amendments. These were, the greater simplicity of the first election, by taking away the intervening electoral body between the candidate and the people; the pre-

vention of corruption; and the removing from the house of representatives all probable necessity of electing a president. The greater part of the report, however, was taken up in answering the objections made to the amendment, arising from the confederated character of the union, and the delay of the second election. Great ability was displayed in drawing up the report; but the subject was not taken up in the senate, and was finally lost sight of in the more interesting topics, which were soon made the object of its attention:

Other amendments to the constitution were afterwards introduced in that body, and one of them, prohibiting the re-election of a President beyond two terms, was carried, by a vote of 32 to 7, almost without discussion. This amendment was not regarded as important; as the practice of declining a re-election, after the second term, had been so uniform, and sanctioned by such high examples, that it seemed to supercede the necessity of any provision on the subject. Some, however, were opposed to any limitation to the power of the people on this point, as nugatory; and thought that amendments not called for by existing evils, if lightly adopted, would lead to a tampering with the constitution, destructive to the stability of that instrument.

The other amendment, introduced by Mr. Benton, was not called up for discussion ; and according to the rule of the senate, expired with the other unfinished business of the session.

In the house of representatives, the subject met with a different fate. After several notices and conversations, relating to his amendment, Mr. M'Duffie, on the 15th of February, commenced the debate with an elaborate argument in favor of his resolution. Mr. M'Duffie objected to the present system, that it wanted uniformity, and permanency, and was, in fact, no fixed rule. The legislatures of 24 states made the rule, and altered it, each at its pleasure. While it continued in that unsettled state, it would be often productive of injustice. He instanced the Gerry-mandering of Massachusetts as one example which operated most unjustly, and caused great excitement throughout the country. It also placed in the hands of political leaders, great temptation to abolish the existing mode for another, more suitable to their views, and thus increased the instability of the present system. In his argument he examined the three methods presented for appointing electors, viz. 1st. The mode hitherto adopted by the state legislatures. 2d. By general ticket. 3d. By districts. The first method he considered unconstitutional ; and

after supporting that opinion by the authority of the Federalist, he proceeded to state his objections to the general ticket system.

The most obvious objection was, that it destroyed the voice of the minority. He did not mean to contend, that the minority must not submit to the majority. They must submit ; but they were not to be struck out, as numbers of no importance in political equations. As if New York were divided between two candidates, in the proportion of 19 to 17 ; her vote by districts would count, but two for the candidate having the largest number. Upon the general ticket system her vote would be unanimous. To this he objected. He was of opinion, that the majority should determine who should be president ; but he was not willing to destroy all minorities. By the general ticket system, the power of the state was raised, to destroy the proper influence of the people.

It might also put the minority in the power of the majority ; as if Pennsylvania was unanimous for one candidate, and New York nearly divided. By the voice of the people, Pennsylvania would give 28 votes for her favorite, and New York a divided vote, or nearly so, between him and his opponent ; but with a general ticket, New York would give 36 votes for a candidate, who would be pre-

ferred by a bare majority of her electors.

Another palpable objection was, that it arrayed states against each other, and promoted geographical distinctions. It put down all opposition to this influence, and destroyed the authority of all wise and virtuous minorities, not under the influence of sectional feeling.

The main objection to this system, however, was, that it concentrated power in the hands of a few political leaders without responsibility. He did not blame large states for obtaining power, and he could not expect their citizens to act without a central power. The voice of the electors could not be concentrated without such a power; and that is the controlling power, which decides all. Political discipline is equally necessary, and equally formidable with military, in operating upon large masses. The consequence is, the establishment of the most odious aristocracy—of a political oligarchy of intriguers, invested with dictatorial power. The power of appointing is, in fact, in the hands of a few political jugglers, who, behind the curtain, move the wires; and who, affecting to be the people themselves, govern them with absolute authority.

The general ticket was sometimes defended, because it preserved the power of the states. If

this were true, the district system should be altogether abolished. But he would as soon hold out a despotic system under the cloak of an amendment, as the idea of making a general ticket uniform. The whole system had been established for a particular purpose. Such was the case in North Carolina and in Virginia. Suppose that in New York it should be suggested on the eve of an election; that the electoral vote should be concentrated, in order to counteract the influence of other states. The legislature meet and appoint electors. The people also meet, and insist upon their right, and actually choose an electoral college. You have two pretenders. Who would decide between them? A civil war, in such a case, could be scarcely avoided. On one side, they would appeal to the practice of the state legislatures: On the other, to the constitution. It could only be settled by an appeal to arms, to passion, discord and blood.

One of the objections urged against his amendment was, that it tended to consolidation. If this were the case he was willing to give it up. What was the power he proposed to take away. 1st. The power of the state legislatures to appoint electors. To that all agree. The power was an usurped one. 2d. He substituted the district system for the general ticket.

Does that injure the state? It is only a change. It does not give power to the general government, nor take it from the states. It only takes it from the legislature and gives it to the people. In one instance the states act through their legislatures; and in the other, through the people. It takes from the majority its tendency to abuse its power, and preserves to the minority its just influence. Instead of consolidating power here; the effect of the amendment was, to distribute it among 261 independent districts. The state governments be regarded as sentinels to guard the rights of the people; and the way to preserve the dignity of the local legislatures, was, not to bring them into the business of elections. This was to corrupt and contaminate them. They should stand unconnected, and guard the rights of their constituents.

On this branch of the subject he would conclude, by suggesting to the representatives of the large states, that the small states would never give up their relative weight; until the large states surrender the power of combining their force by a general ticket. This must be the consideration of the compromise; and all the arguments against bringing the election to the house, are in favor of the district system. This is the most

important consideration of all; for unless the power of electing a president be taken from the house, in fifty years, we shall be as corrupt as any government upon earth.

The next amendment consists in referring the two highest candidates to the people, instead of sending the three highest to the house of representatives. The issue presented is between the people and congress; and in this amendment is contained the fundamental principle of the change. In this republic the great sustaining and pervading principle is, the responsibility of the public functionaries to the people. This sublime principle, which is analagous to the harmony of the material universe, may be termed the gravitation of our political system, distinguishing it from all the governments which have ever existed upon earth. It is exclusively ours. It is established in the very nature of our system, that in proportion to power conferred, must be responsibility required. They are antagonist principles, and its perfection consists in their equipoise. Unless they are brought to this equipoise; unless, as power is increased, responsibility is rendered more efficient, the system is destroyed as effectually as the equilibrium of the universe by the destruction of the centripetal and centrifugal powers. This end is attained by making the president



directly responsible to the people. The great problem is solved and two elements combined, which never before existed together; liberty and power.

The power of the president, he stated to be equal to that of the king of England; and so satisfied were the framers of the constitution that it would be exercised with integrity, that while they restricted the other branches of the government, they conferred almost unlimited power upon the president.

He regarded this with some alarm. To congress was given power to raise armies, appropriate money, &c. : but to the president all executive power. What is this? All the power vested in any other executive. He cannot, indeed, declare war; and this is the only power which the king of England has, that the president has not; and this he never exercises upon his own unadvised opinion.

The president may, under the treaty making power, add empires to the country; and all that the house has to do, is to make appropriations to carry the treaty into effect.

The strongest barriers against power, without responsibility, he regarded as contemptible. Power is the means of conferring blessing. "Bring me power," said he, "which cannot be abused,

and I will idolize it, for I love power."

It is essential to freedom itself; for no system can long maintain itself that has not all the active and defensive powers of sovereignty.

He agreed with the idea in the president's message, that liberty is power; and this principle was the one by which the despotisms of the world would be finally effaced. But this power must be accompanied by responsibility. Extend it through our system, and it is formed for endless duration.

This he proposed to do by this amendment. The people were intelligent and virtuous, and to them might safely be confided the correction of the evils he apprehended from executive power.

The press had given them a means of intelligence not possessed by the republics of Greece and Rome, and the extension of the territories through which power was diffused, exempted them from the violence and tumult which destroyed those petty states.

He did not fear any violence from referring the election back to the people. We had just had an election, in which the popular candidate was not chosen, yet we witnessed no violence among the people. They submitted with the dignity of freemen to the constitu-

tional authority. There was, perhaps, too much of this. It savored of apathy and indifference, which, on such a subject, he regarded as the worst of evils. If the people would not elect a president, some one must. Their indifference will give a morbid energy to political intriguers and office hunters.

They will seek importance by influencing the election of the executive. God forbid, said he, that we should put it into the power of men to raise themselves by such means. Let our aspirations rather be, "Lead us not into temptation."

By the present constitution, the three highest candidates are referred to Congress. Is this because congress is more intelligent than the people?

If the people are capable of voting for three, they are capable of voting for one. The evils of both systems are at present united. The candidates are sent to congress without giving any latitude of discretion—yet enough for the purposes of corruption.

In this government the executive acts unseen. He expends money, distributes armies, regulates and controls not in the public eye, before which the legislature acts; but in silence. He is only brought before the public through the legislature, and that sees him only through the lumbering documents on the table. He would preserve

congress from the operation of such an executive. When that body elects a president, it makes itself his partizan. Instead of exercising a control; it will feel bound to sustain the president of its choice, and the independence of the legislature is destroyed. "To say nothing here of corruption, there is hardly a man among us, proud as we are of our own dignity, who cannot have the sternness of his virtue relaxed by a smile, or an act of confidence on the part of the executive. The people are without the circle of this influence; but we, their virtuous legislators, can be reached by a thousand modes."

In congress, such is the state of things, that, in general, the choice of the people must be defeated. Minorities will always combine against majorities. The man who is the choice of the nation stands on his own principles. You cannot approach him; and, upon a principle as certain as gravitation, minorities will unite against him. The vote is by states; and by the corruption of the smaller states, a president may be elected. Even excluding the idea of corruption, the effect is to array factions in congress, and to render it probable that the executive will be elected by a minority. What will be the consequence of bringing in a president under such circumstances? You place him at the head of af-

fairs, with the consciousness that he has no power, and his whole patronage will be used to bolster up his popularity. He is compelled by his situation to become a political intriguer. He feared the influence of executive patronage. He had well considered it when he said, that since man was created, there never was a political body which would not become corrupt. Corruption steals upon us in a thousand shapes. The bribery of office is the most dangerous, since it can be effected in the guise of patriotism.

All experience teaches us the irresistible power of temptation, when vice assumes the form of virtue. The great enemy of mankind would not have consummated the ruin of our first parents, had he appeared in his native deformity: but he came as the serpent—as the president may—and presented a beautiful apple, and told his glistening story, you can be guilty of no crime; you will obtain the knowledge of good and evil. Such was the process: and here you have a beautiful illustration of the frailty of man. We are not liable to be corrupted!! To ambitious members of congress, there are offices, which may appear as beautiful as the apple of Eden. You are applied to by the highest power of the nation; honor, power, wealth are all held out to you. This is a

temptation which few can resist. Satan himself could not devise a scheme, which would more infallibly introduce corruption and death into our political Eden. This is the fountain of our danger. The history of every free government illustrates it. They all have fallen under the corrupting influence of executive patronage.

Are we exempt? he asked. Are the statesmen of the United States more pure? The people, indeed, are, from the peculiar structure of society, superior to the people of England. But there is no country, where office has more attraction than in the United States. He did not say this in censure, or in praise. Human nature is the same everywhere. We are, however, somewhat worse than in England. A member of parliament would disdain to accept a petty office at the hands of the king. A member of congress will accept any office.

We see all principles, all the colours of the rainbow in our cabinet—a sacrifice of principle at the shrine of power.

These evils must be resisted now, in their incipient state, or never.

To effect this desirable object, he offered the following modification of his original proposition. That the constitution should be so amended, as to prevent the election of president and vice president, from devolving upon the house of

representatives. 2dly. That an uniform system of voting by districts in each state, equal in number to the senators and representatives of that state, ought to be established, and that each district should have one vote. 3dly. That a select committee be appointed, to report a joint resolution embracing those objects.

These resolutions, and the arguments, by which they were supported, necessarily provoked much discussion. Mr. Storrs, of New-York, opposed them in a speech which, made a strong impression on the the house. He entirely denied the fundamental principles upon which the mover of the resolutions had advocated them, viz. that the original adjustment of the electoral power, was intended to obtain the sense of a majority of the people of the United States, in the election of a president; that in that adjustment, the democratic representative principle was introduced into the system; that the district system is most congenial to the spirit of the constitution; and that the general ticket system, tends to subvert the will of a majority of the people. He regarded the great end to be accomplished in the formation of the constitution was, the establishment of a national government, which should be adequate to the objects, in which we all had a common interest; and which, at

the same time, should preserve the just influence and power of the several states of the confederacy. The parties to the compact came together, in the character of separate and independent communities of people, distinct and sovereign. In all that related to their external relations, and in much that concerned their domestic prosperity, their true and obvious policy was the same. The formation, however, of a common government, was attended with great difficulties.

The natural advantages of some of the states, and the habits and character of their citizens, had led them to look to commerce, as the chief source of their prosperity. In other states a difference of situation and habits, had caused another interest to predominate. In several of the states there existed common political interests, peculiar in their character, and closely connected with their internal peace and security—perhaps their very existence—which these states could never safely subject to the operation of any system, not under their exclusive control. It was a most difficult and delicate matter to unite, even for the most desirable ends, the various and, in some respects, repugnant interests of the parties to the federal constitution.

At that time, the security of all these various interests was con-

fided, to legislatures immediately responsible to the several states. The power and resources of the states were in the hands of these legislatures, as the guardians of the common political interests, of the people who created them. In the formation of a federal government, they were called upon, to take from their state legislatures many of the powers of sovereignty, and to confer them on the national government. In the distribution not only of these powers; but of all those incidentally accessory to the new system, they were most sensibly alive to the security of their separate interests, and the preservation of their just relative political influence, in that peculiar system, which was to be established more or less on the basis of the popular principle of a representation of the people of the several states, as different sovereign communities. This was the intention of the framers of the constitution. The compact is between the people of the respective states, as distinct sovereign communities. It is not to be treated as the creature of the state legislatures. They were not parties in any sense to this compact. The constitution speaks throughout of the parties, in the character of distinct state communities. He inferred, that it was an error to treat that part, which prescribes the

election of an executive, as founded on the pure-popular representative principle which the amendment professes to adopt. In settling that part, as in the other branches of the government, the principles upon which the compromise for the preservation of these various interests was made, were consulted. The senate was not established on such a basis: Nor was the house of representatives. There was one interest, which helped to swell the numerical power of some of the states in that house, which was subversive of the whole foundation of popular representation in a free government; and, in any event, the smaller states are secured one representative on principles, which were not necessarily connected with their population.

The distribution of the electoral power has been graduated among the states, by their collective numerical power, in the house and the senate, carrying in it the ingredient of all the federative, as well as representative principles, which entered into this political system.

From these principles he concluded, that in the election of president it was intended to preserve inviolably, the expression of the will of the people of the several states, as distinct political communities. It was not to collect the sense of the people of the United

States as one common mass ; but as representing the will of separate, independent republics.

On this point, too, they have manifested extreme jealousy, in the manner in which they have secured the exercise of this right, from the interference of congress. The constitution has provided, that the "times and manner" of election may be altered by congress ; but the choice of the electors is taken completely beyond the reach of any interference by the other states, and all power over the subject is withheld from congress. The equivalent for this augmentation of power in the large states, by this state vote in the electoral colleges, is to be found when the election is brought into the house ; but even then, the federative principle is preserved in the ballot. This right, then, of choosing electors in their own way being thus retained by the states, by the original compact, is to be exercised, only as they shall deem best for the preservation of their just political importance. When the large states consent to surrender it, or suffer themselves to be broken up into fragments by this amendment, which proposes to melt down into one common mass, the people of the several states, they have surrendered their strength ; and will finally find, that they have sacrificed their interests. Every step taken towards this system,

approximates to a consolidation ; which must, at last, annihilate their influence in the confederacy.

If the free states, by the enterprise of their citizens, or other causes, have acquired a relative power which did not exist at the adoption of the constitution ; that result was then foreseen, and a fair equivalent was then given and received, for the advantages secured to them by that compact. But it is not the free states that are most concerned in the consequences, which must result from a disturbance of the original adjustment of power by the constitution. From the commencement of the government, they have steadily advanced in a greater ratio of increase than the rest of the union ; and every successive census indicates an approach to that point, which will give to the free states two thirds of the numerical strength of this house. The state sovereignties now hold this power in check ; but every movement disturbing their stability in this system, weakens the foundations of the government.

Is the mover of these resolutions, then, ready to adopt his principles in their full extent, and to apportion the electoral power between the states according to their respective numbers of free citizens ? Will he consent to give up the power which many of the



states retained in their elections upon other principles than an expression of popular will? By his amendment, this inequality is preserved; and the candidate actually chosen may be far from being the choice of a majority of the people of the United States.

He thought that the amendment was incompatible with our system of government; and he did not see that it was so desirable as the mover described, that a uniformity in the exercise of the elective right, should be thus established. The uniformity was only one in form, and might produce great inequalities in practice. While the present diversity exists in the systems of New York and Virginia, it may well happen that the vote of the former may be neutralized; while Virginia gives an undivided vote for the candidate of her choice. But the obvious remedy for this, is to restore to New York her general ticket. To correct this inequality by districting Virginia, might virtually annihilate the entire power of both these large states. Distraction of public opinion is indeed an evil in any of the states; but the remedy is not to be found in the diffusion of a principle among them all, which tends to spread the evil still wider.

It is said that the operation of a general ticket destroys the vote of the minority in a state, and that it

virtually transfers their votes to a candidate whom they dislike. This argument contains within itself a fatal error. It indirectly assumes that minorities are entitled to representation as well as majorities. But we must recollect that the same result must happen, more or less, in the district system also. It can never be admitted, that minorities have rights like these. If the elective power be a state power, the general ticket system is the only sound one. If it be desirable to obtain the sense of the majority of the people throughout the United States, it should be done by a general vote throughout the Union. The more you divide the mass into divisions and subdivisions, the farther we remove the final result from that which we profess to attain—the will of the majority. Under the general ticket system no person can be elected unless he obtains a majority of the electoral votes conferred by the people, voting on the basis of their true constitutional power—by states. But by districts you place it within the power of the minority, to defeat the majority.

To the argument in favor of the amendment, that it is adapted to remedy the evils growing out of the caucus system; Mr. Storrs replied, that the true remedy for those evils was to be found in the virtue and integrity of the people.

That the system must necessarily derive its power from public opinion ; - and as long as it was confined at one point, its evils were more fully exposed. It then presented a single power, against which the energies of the state might be directed. Diffused, it still operated silently and unseen, and carried its contaminating influence throughout the body politic, tainting the whole system, and corrupting the vitality of our social institutions.

On the other branch of the amendment he observed, that the principal argument in favor of taking the election from the house, was founded on the danger of the abuse of that power. This argument directed itself against the existence of all political power and government. It proves (if it prove any thing) that it is better to go at once back to a state of nature, and adopt the social institutions of the aborigines in our vicinity.

He did not fear any danger to the government, from the corruption of the house. If the government was to be demolished, (he said) it would not find the weapons of destruction in that house. The Pretorian bands would be led up to that fatal work, from other quarters. The great masses of feeling in different parts of the union, and the common interests affecting great sectional portions of the country, must be first inflamed and put in

motion by those who seek for power—the spirit of anarchy will say to the north, “ Your commerce is to be annihilated ;” to the south, “ Your internal security is in danger ;” and to the west, “ Your inheritances are to be taken from you, and your political power is to be trampled upon.” We may then look among the people for those, who, flattering their prejudices—fomenting their passions—stirring up the deadly elements of party hatred, and exasperating the bitterest feelings of human infirmity, persuade them to consider their public men and statesmen as traitors to their interests, and to treat them as public enemies. If we are really so unfit to be trusted ; the mover of this amendment might have spared all his labor to convince us of its propriety. But, in my opinion, the experience of this country has taught a different lesson ; and it is yet to be proved that the integrity of this house has ever been made subservient to executive influence. The tests which the gentleman adopts, are such as no man can stand the trial. If the executive appoints his friends to office, ’tis corruption ; if he appoints his enemies, ’tis corruption still. If he appoints his friends—he pays ; if his enemies—he buys.

Are these the unsparing judgments, which a generous people will pass upon their public men ?

Are we to cherish doctrines like these, which lead to such denunciations of all that our national pride and the character of our institutions lead us to respect.

Believe me, sir, the people of this country will not respond to these sentiments. They are too jealous of their own honor, and the reputation of their government, and too generous, to cherish such injustice to their own institutions, and their own statesmen. They will not consider it as dishonorable to be called from this house, to the service or councils of the country. Public men must be educated for public stations. Soldiers may be made by nature; but statesmen must be educated. They must devote themselves to the study of the laws and institutions of their country; her history; domestic and foreign relations; the principles of her public policy; the temper of the people, and the spirit of the government. In this house, too, they must pass the ordeal of public opinion, and manifest those profound talents, sound political principles, and great moral qualifications, which alone can adorn the public councils, and perpetuate the civil liberties of the country. The examples drawn from the ancient republics are not applicable here. They were republics of single cities, uneducated, of condensed population and corrupt morals; and

fell by the lawless violence of their own citizens. Nor can any parallel be found between the election of a president, and the absurd mockery and violence of a Polish diet. This union is not to be dissolved by violences like these. Its dissolution is rather to be expected from the operation of other causes. It can only be accomplished by first impairing the confidence of the people in the integrity of their representatives and public councils—in raising up against it the states, by violating their rights; and in combining against the government the moral power of the country. Then you will find how weak this political system is, without this support from the nation; and it will expire without a struggle.”

He thought, that the best plan was, to go back to the original constitution. That plan contained within itself an effectual remedy to the evils of the caucus system. It was always in the power of a few electors to defeat a party candidate for the presidency; and it insured, in the two highest stations in the country, public men of the first grade of character. At present, the vice-presidency is the mere reward of personal influence. By the amendment of 1802, the small states lost much of their power in the election; and the amendment proposed to take from them the only remnant of their power. The

plan of sending back to the people the two highest candidates, by no means secures the election of the second choice of the nation. This might well be the lowest of the three highest, who by this amendment, would be excluded from the election.

He concluded by asking, if this was an auspicious moment for an amendment of the original compact. When that was formed, the states had been recently chastened by adversity, and they deeply felt the greatness of their mutual obligations. Now, circumstances are changed. We are in the days of our prosperity. Great sectional interests have sprung up in the states; and a whole nation has been brought into existence beyond the mountains. Public feeling has been lately deeply agitated, and the country is not yet quiet. And he submitted to the committee whether it were discreet now to move in this matter?

Mr. Archer, of Virginia, and Mr. Kellogg, of New York, advocated the first branch of the amendment, which took the election from the house, and opposed the residue.

Mr. Saunders, of North Carolina, advocated them both, as did Mr. Cambreling, of New York; Drayton, of South Carolina; Isaacs, Polk, and Mitchell, of Tennessee; Bryan, of North Carolina; Le Compte, of Kentucky.

They were opposed by Messrs. Stevenson, of Virginia; Ingersoll, of Connecticut; Bartlett, of New Hampshire; Everett, of Massachusetts; Pearce, of Rhode Island; Wood, of New York; Mitchell, of South Carolina; Minner, of Pennsylvania; Trimble, of Kentucky; and Vance, of Ohio. After the very elaborate speeches of Mr. M'Duffie, and Mr. Storrs, there could be little room for material novelty. Mr. Everett, in a very eloquent and ingenious speech, in one point went farther than Mr. Storrs. He contended, that the proposition before the house was a violation, and not an amendment, of the constitution. That it subverted the fundamental principles of the constitution, in relation to the choice of an executive; and was inconsistent with the terms of the original compact. He also repelled, in the most forcible terms, the insinuation against the integrity of congress, and the character of the existing administration.

As the debate proceeded, it assumed the aspect of a debate in answer to an executive message; or a resolution to consider the state of the nation. Most of those who advocated the amendments, declared themselves opposed to the present administration; and made many significant allusions to the elec-

tion, and what they denominated, a coalition between the friends of the president, and the secretary of state. To the charge of coalition, it was replied, that no dereliction of principle was involved, in the support given by their friends to an administration of which they were both members; and it was asked, if there was any impropriety in the administration's seeking a union of councils, where there was no difference of principles; when it was considered even virtuous to seek a union of councils against it. If on one side there was a union of the supporters of the president and the secretary of state; on the other there was a coalition of the friends of the late secretary of the treasury and the vice president; of those who contended for a rigid interpretation of the constitution, and those who resorted to the utmost latitude of construction. These direct allusions to the existing state of things, became more frequent towards the close of the debate; and finally produced a scene of crimination and recrimination, very derogatory to the dignity and character of the house.

When the mover of the resolutions, (Mr. M'Duffie,) came to reply to the various objections made to his amendments, he went into a history of the late election, and imputed the support which the late speaker gave to the president,

to corrupt motives; and asserted that his friends were induced, by his influence, to vote contrary to their obligations to their constituents. This charge, which was conveyed in the most unequivocal terms, was immediately and promptly repelled by the western members who voted with Mr. Clay, on that occasion. The sentiments of the speaker's own constituents were stated by Mr. Trimble, of Kentucky, to be in favor of the course adopted by him; and the election, by an overwhelming majority, of his successor, Mr. Clark, whose friendly feelings towards the present administration, were well known, was triumphantly appealed to as an irrefragable proof of the approbation of his constituents.

In consequence of this charge against the secretary of state, by the mover of the resolutions, and the direct and personal retorts of those, who were aimed at as his friends; a state of feeling was produced in the house, very unfavorable to the dispassionate decision of the proposed amendments. The discussion on them had been protracted nearly seven weeks, through the indulgence of the house; and as the debate finally seemed to become a vehicle for political harangues, Mr. Webster, of Massachusetts, moved to discharge the committee from any farther consideration of the subject. This

was acceded to ; and the previous question being ordered, to prevent farther debate, the decision of the house was taken upon the resolutions. On the first, which took the election from congress, the house divided, 123 in the affirmative, and 64 in the negative. The second resolution, in favor of the district system, was rejected, by a vote of 101 to 91. The representatives of the large states did not vote, on this occasion, with any reference to the power of the state. The representatives from New-York were almost unanimous in favor of districts ; those from Pennsylvania, as unanimous against it ; and the delegation from Virginia nearly equally divided. The subject was then referred to a select committee of 24 ; one from each state ; which, at the close of the session, reported, that they had not been able to agree upon any plan, to prevent the election from devolving upon congress ; and asked to be discharged from any farther consideration of the matter ; which request was granted. The only effect of this attempt to amend the constitution, at a moment so unpropitious to deliberate and calm debate, was to excite the feelings of the members, and to array them into parties for, and against the administration, in a more decided manner. They did not, indeed, take their stand upon

the decision of those amendments ; but the mode of discussing them, and the topics alluded to in debate, forced the question upon their attention ; and compelled them, in some measure, to determine upon their ultimate course, before its measures had been fairly tried. About one third of the session was occupied in their discussion ; and a very general regret prevailed throughout the country, that the public councils of the nation had been thus diverted from their legitimate object, to the consideration of such topics as had been introduced in that debate.

At the close of the session, a resolution was introduced into the senate, which had a tendency to bring on a similar discussion in that body. A resolution was offered by Mr. Macon, to inquire into the expediency of reducing the patronage of the executive. This resolution was referred to the same committee, which reported the amendments to the constitution, and on the 4th of May, Mr. Benton, the chairman, reported six bills : 1st. To regulate the publication of the laws, and public advertisements. 2d. To secure in office faithful collectors of the revenue, and to displace defaulters. 3d. To regulate the appointment of postmasters. 4th. Of cadets. 5th. Of midshipmen. 6th. To prevent military and naval officers



from being dismissed at the pleasure of the president. These bills were accompanied by a long report, inculcating the necessity of diminishing the patronage of the executive, and stating these bills to be but the "foundation of a system, to be followed up hereafter."

The bills proposed, in order to remedy the evils apprehended from executive patronage, to vest in the senators and representatives from each state, the right of appointing the journals to print the laws; that the president, upon removing an officer, shall state the reasons of such removal; and to repeal the act of 1820, which limited the term of service of collectors, navy agents, &c. to four years; to transfer the appointments of all postmasters, whose salary shall exceed \$ from the postmaster general, to the president, with the consent of the senate; and to distribute the appointments of cadets and midshipmen, so that one cadet and one midshipman should be taken from each congressional district. The last bill provided that no officer should be dismissed from the military or naval service, except by the sentence of a court martial, or by an address of both houses of congress. It was at once perceived, that the effect of these propositions would be, to vest in congress a great portion of executive power, and to divert the attention of the

legislature from its peculiar duties. The tendency of this branch of the government to draw to itself the powers of the other departments, had been long apparent; but it had not before ventured to encroach on their prerogatives by legislative enactment. It had been content to interfere in the shape of recommendations to office; and in some instances, of remonstrances against particular appointments. This indirect influence had been much increased by the custom adopted by the late president, of calling upon the representatives of a state to nominate individuals to fill vacancies occurring in that state, during the sitting of congress. This course had been followed, from a desire to conciliate the representatives; in selecting candidates for office; but its effect had been, to divert their attention to the obvious means of augmenting their influence at home, through the patronage of the government, and to create an expectation, that their wishes would be consulted in all appointments, within their respective states.

These bills indicated a disposition to convert that indirect influence into a legal right, and the obvious efforts of certain political leaders to invade the constitutional powers of the executive and the judiciary, created serious apprehensions of their designs upon the wise

and well balanced distribution of powers by the constitution. The slight responsibility under which such leaders act, when their measures are adopted in a legislative body, was a conclusive reason with reflecting men, to oppose these efforts to augment the powers of congress, at the expense of the other departments of the government. The late attempt by a portion of that body, to dictate to the people in the choice of an executive through a caucus, was promptly and successfully resisted ; but these insidious invasions under the guise of resisting the influence of executive patronage, were supported by specious arguments in the report of the committee, and as the laws were not called up for consideration during the session, no opportunity was afforded of refuting them. The unusual number of 6000 of the report and bills was ordered to be printed ; and while this im-

portance was given to the subject in public opinion, by an elaborate report, and a wide circulation afforded at the public expense to its arguments ; the whole matter was suffered to remain undisturbed for the rest of the session ; and at its conclusion expired with the rest of the unfinished business.

Another example of the grasping ambition of a portion of the legislative branch ; strongly illustrating the mischievous tendency of the policy of calling upon the representatives to nominate candidates to office was presented, in the effort made by some of the Tennessee delegation to designate the individual, who should be appointed postmaster at Nashville. Their nomination was not approved of by the postmaster general, and they wrote a letter of accusation to the president on the subject, asserting a right to be consulted in the selection, which he of course refused to receive.



## CHAPTER IV.

*Proceedings of Senate on the Panama Mission.—Mr. Branch's resolution—Mr. Randolph's conduct—Duel with Mr. Clay—Proceedings in the House of Representatives on the Panama Mission—Panama Congress.*

The protracted contest between Spain and her former colonies now constituting seven independent states, all having the same relation to the mother country and contending for similar objects, had been continued on the part of the Spanish crown for many years without much activity; but still with a pertinacity which denied all expectation of peace, except in the entire predominancy of the new republics and the humiliation of Spain. This conviction induced many of the leading statesmen of the South American states, to propose a union of their arms to bring the war to a close, by the entire expulsion of the Spanish forces from the American continent. This suggestion, natural as it was, was not immediately reduced to practice. The rising states, were for years suffered to struggle alone with the armies of Spain, amidst all the horrors of a civil war.

Assistance was indeed occasionally rendered by one republic to another, and the western states of South America may be truly said to owe their independence, to the unpurchased aid of their contiguous

sister republics bordering on the Atlantic. Still there was no general plan of joint co-operation, for the common object of their wishes. The want of this unity of effort and council, was acknowledged; but no remedy was offered.

The first approximation to it, was in a treaty between Colombia and Peru in 1822, providing among other things for a general meeting of the American states, for the purpose of cementing their friendly relations, to serve as a common council in the existing conflict; and as an umpire in their differences.

Treaties for the same purpose were in that and the three succeeding years, concluded between Colombia, Chili, Guatemala, Mexico; and the Isthmus of Panama was designated, as the place of meeting of the great American congress.

The threatening aspect of the holy alliance towards the free governments of the new world, having induced the late president, Mr. Monroe, to declare that the United States would not view with indifference any interference on their part, in the contest between Spain and her former

colonies,—the governments of these new republics were naturally led, to regard this country as having in a measure adopted their cause ; and to suggest to the government of the United States, that the attendance of its ministers at the proposed congress would be desirable, and that if agreeable to the United States, an invitation would be given to them to that effect. The subjects of its deliberations, it was stated, would consist of two classes ; viz : matters exclusively concerning the belligerents ; and matters between the belligerents and neutrals.

It was also suggested, that this assembly of the representatives of the independent states of this hemisphere, would present a proper opportunity, to discuss and establish many principles of international law ; the unsettled state of which, had given rise to disputes, and even hostilities, between the maritime powers of Europe and America. Other topics of discussion were also mentioned ; as, the abolition of the slave trade ; the future colonization of the American continent ; and the basis upon which Hayti should be placed. In certain official conversations had in the spring of 1825 with the ministers of those powers ; invitations were given on the part of Colombia, Mexico, and Central America, to the United States to send commissioners to Panama. Mr. Clay, the secretary of state, answered

that those communications were received with proper feelings of the friendly motives, which dictated them ; but that the United States could not take any part in the existing war with Spain, nor in councils for deliberating on its farther prosecution : though the president believed such a congress, might be highly useful in settling several important disputed questions of public law ; and in arranging other matters of deep interest to the American continent ; and strengthening the bonds of friendship between the American powers ; that it appeared to him, however expedient before such a congress met, to adjust as preliminary matters, the precise objects to which the attention of the congress would be directed, and the substance and form of the powers of the ministers, representing the several republics. In reply to this suggestion, notes were received from them, stating the objects of the assembly, and formally renewing the invitation. The answers were not considered as sufficiently precise ; but still to manifest the sensibility of the United States to what concerns the welfare of America, and to the friendly feelings of the Spanish American states ; the president determined to accept their invitations, and to send ministers, should the senate consent to the measure.

This determination he mentioned in his opening message to congress.

and on the 26th of December, he sent to the senate a confidential message setting forth the objects of the Panama congress ; his reasons for accepting the invitation to send commissioners ; and nominating Richard C. Anderson, and John Sergeant as ministers on the part of the United States, and William B. Rochester, of New-York, as secretary to the mission.

This message, with the accompanying documents, was referred to the committee on foreign relations ; where it remained until January 16th, when a report was made condemning the mission and ending with a resolution, declaring it to be inexpedient to send ministers to Panama.

The opposition to this mission, was justified on the following grounds. That it was a departure from the settled policy of the government, adopted by Washington, and conformed to by his successors to enter into alliances with other powers, which should entangle our foreign relations, or prevent the United States from acting with a sole view to their own interests ; and no sufficient reason, it was urged, had been offered for this departure.

The uncertainty, too, of the powers of the commissioners ; and of the subjects of their deliberations, was also urged as a motive for this government, acting for a people peculiarly jealous of undefined power, to abstain from becoming a party

to the congress. To guard against the evils feared from this source, the supervising power of the senate over any compacts made there, was not considered sufficient. After a treaty had been once made, it was difficult to reject it without giving offence to the other party ; and much embarrassment is occasioned in giving explanations, to which the other party, who has sanctioned the treaty conceives he has a right. In this case, if the measures agreed upon in congress, should be such as the senate could not sanction, great inconvenience, it was feared, would result from its refusal, and probably, an entire alienation of the friendly feelings of the new republics.

To such objects of the mission as were stated by the president, or the ministers of the Spanish American republics, specific objections were made.

To that prominent subject which Mr. Monroe had alluded to in his message of 1823, viz : opposition to the interference of any other power, in the conflict between Spain and the new states ; it was objected, that it would at once compromise our neutrality and involve us in a war for objects, which the people of the United States would not regard, as worth the expense and danger of the contest. The opposition to any farther colonization on this continent, was also set forth as an inadequate

motive for such a mission. If it was intended to prevent any violation of our own territories, no aid would be required from any other American state; and if to guaranty the integrity of the dominions of the other powers, it would be an agreement, to which the people of this country would refuse their consent.

The abolition of the slave trade, which the Colombian minister had enumerated among the subjects likely to come under examination; the committee stated had already been effected, so far as our laws could do it, and they did not "see the propriety of insulting other states by ascending the moral chair, and proclaiming mere abstract principles, of the rectitude of which, each nation enjoys the perfect right of deciding for itself."

Objections were also made, to any consideration of the basis, upon which the relations of Hayti should be placed. Of the propriety or impropriety of connexion with people, situated like the Haytians, every state should be permitted to judge for itself. At one time, and to one community, that connexion may be desirable, which under different circumstances, would be highly injurious.

The United States should not, therefore, place themselves in a situation; where they could not regulate their relations with Hayti, according to their own views of their interests.

To an idea suggested by the Guatemalian minister, "that as Europe had formed a continental system, America ought also to form one," the committee objected that it was not in the power of the government of the United States to become a party to such a compact: nor was it in its power, to enter into any negotiation, for the purpose of settling either principles of internal policy; or mere abstract propositions, as parts of the public law.

So far, too, as these changes in national law were beneficial to this continent; the committee feared that they would be regarded by other civilized nations, as prejudicial to the interests of the old world, and that deplorable results might happen from their adoption: the committee also made objections to the subjects of discussion set forth by the president.

Any effort on the part of the United States, to establish the principles of free trade to the injury of the new republics, they said, would be contrary to that spirit of comity by which this government was actuated; and if their establishment would conduce to their benefit, the end could be attained, better in separate negotiations, than in a general congress. So, too, with regard to the adoption by consent, of the principles of maritime neutrality. These had already been adopted by some of the states, and



the others had not manifested any unwillingness, to enter into negotiations on those points: which the committee thought preferable to a discussion, in a general congress. Here, too, the umbrage which might be taken by the maritime powers of Europe, at the adoption of principles materially effecting their future interests, was stated as a reason for the United States to abstain, from taking part in the contemplated congress. With regard to the destiny of Cuba and Porto Rico, which it was intimated might become a subject of consideration; it was said, that the interests of the United States were so adverse to those of the belligerents, that they ought not to enter into the discussion of those topics; for if our ministers spoke at all, they must hazard giving offence, by expressing our determination, not to suffer those islands to change masters, and that our silence might be misconstrued.

That an invitation was not given at an earlier period to the United States, was brought forward as an adequate reason, for a refusal to be present at the congress, and the committee recommended a resolution, declaring it to be inexpedient to send ministers to Panama.

Shortly after this report was submitted, Mr. Van Buren offered a resolution, (January 30,) requesting a confidential communication, of the correspondence between the

American minister at Madrid, and the Spanish government, in relation to the independence of the Spanish American states. The correspondence asked for, was communicated "in confidence" on the 1st of February. The 15th of the same month, Mr. Van Buren submitted two resolutions, declaring that the senate ought to discuss the question of the Panama mission with open doors; unless the publication of the documents necessary to be referred to in debate, should be prejudicial to pending negotiations; and requesting the president to inform the senate, whether any objection existed to their publication, and to specify what parts, ought not to be published. These resolutions were carried by a vote of 23 to 20, and drew forth the following reply from the president:

"WASHINGTON, 16th Feb. 1826.

"*To the Senate of the United States*:—In answer to the two resolutions of the senate, of the 15th instant, marked (executive,) and which I have received, I state, respectfully, that all the communications from me to the senate, relating to the congress at Panama, have been made, like all other communications upon executive business, in *confidence*, and most of them in compliance with a resolution of the senate requesting them confidentially. Believing that the established usage of free confidential com-

munications, between the executive and the senate, ought, for the public interest, to be preserved unimpaired, I deem it my indispensable duty to leave to the senate itself the decision of a question, involving a departure, hitherto, so far as I am informed, without example, from that usage, and upon the motives for which, not being informed of them, I do not feel myself competent to decide.

JOHN QUINCY ADAMS."

When this message was received, resolutions were offered by Mr. Rowan, censuring the executive for declining to decide upon the propriety of proceeding in the debate with open doors; and refusing to proceed in the consideration of the mission, until his opinion as to the propriety of a public discussion was given. These were modified at the instance of Mr. Woodbury, so as to declare it to be the right of the senate to call upon the president for such information, as was requested by the resolutions of Mr. Van Buren, and that the same had not been furnished, in the message of the president; that the senate had the sole right to determine, what were, or should be its rules of proceeding, and that the president could not officially interfere with the same, without violating the constitutional privileges of that body; and that it was not competent for the president, to decline giving the in-

formation called for, on the ground that he disapproved of the mode of proceeding, which the senate proposed to follow. These resolutions, after some discussion, were indefinitely postponed, by a vote of 24 to 20.

A resolution was then offered declaring, that although the senate did not find in the message of the president, in answer to the resolutions of the 15th the information requested; yet they found a strong objection on his part, to the publication of documents communicated in confidence; and although the senate had the right to publish the same without the assent of the president; yet they did not think the public interest required the exercise of that right, and therefore resolved that the discussion on the Panama mission, be held with closed doors.

This resolution, which receded from the ground taken in the resolutions of the 15th, so far as the *expediency* of public discussion was concerned, was carried by a vote of 27 to 16.

After these preliminary proceedings, the resolution reported by the committee on foreign relations, was taken into consideration; and on the 14th of March, it was negatived. Several ineffectual attempts to amend it were made; one by Mr. Benton, declaring it inexpedient to send commissioners to Panama,

until satisfactory information was received as to the subjects to which the attention of the congress would be directed; the substance and form of the powers to be given to the ministers; the mode of organizing the congress; and the mode in which the questions submitted to it, were to be decided. Amendments were also offered by Mr. Van Buren, declaring the proposed mission to be unauthorised by the constitution; and not within the scope of the powers granted to the federal government; and that it would be a departure from the established policy of the United States, and dangerous to the continuance of our friendly relations with the new American states, by creating expectations which congress would not ratify; and that the proposed advantages could be better attained, by the attendance of one of our ministers at either of the new governments, authorised to give explanations concerning the policy of the United States; but not to commit them, to any stipulated mode of enforcing that policy.

These amendments were severally negatived by a vote of 24 to 19, previous to the rejection of the original resolution by the same vote. Mr. Reed, of Mississippi, was present; but was excused from voting because he had just taken his seat, and had not heard any part of the debate.

The nominations by the president, were then confirmed by the senate; and the injunction of secrecy removed from the journal of the senate, on the subject of the Panama mission.

A few days afterwards Mr. Benton, of Missouri, submitted a resolution to remove the injunction of secrecy, from all the messages and documents submitted in relation to that mission, and to cause the same to be published. This resolution was carried, by a vote of 33, to 3. It was remarked, upon this resolution, which did not seem to have been much considered at the time of its passage; that it involved the inconsistency of allowing to the senate, the privilege of making public, information confidentially communicated to that body by the president, without the consent of the executive. The ordinary understanding, between two parties to a confidential communication, is: that it shall not be communicated to a third party without their mutual consent; more especially, that it shall not be made public without the consent of the party, from whom the information proceeds. A departure from this plain rule, must necessarily destroy all confidence between men: as it implies a power in the party, to release himself at will from the obligation of secrecy. In this instance, the senate departed from this obvious maxim; but

the little opposition made to the resolution, proves, that the question was not considered ; and that it was not regarded, as having been brought forward to embarrass the executive, in the performance of his constitutional duties. It had also been the practice for the senate, to publish the documents communicated to it at its discretion ; but in no instance before had it made public, documents referring to negotiations about to commence, and concerning which, the executive had intimated his unwillingness to have them published.

The question as to the expediency of the Panama mission, having been thus decided ; it was supposed the attention of the senate would be, at last, directed to the public and private bills, which had now accumulated on its table to an unprecedented extent. It was soon discovered, however, that other views were entertained by a portion of that body ; and to facilitate their attainment, a resolution, submitted by Mr. Branch, on the 28th of December, was transferred from the executive, to the legislative journal ; and its discussion, with open doors, commenced. This resolution contained a protest against the ground assumed by the president, in his message, of the 26th of December, that the executive was constitutionally competent, to accept the invitation from the

governments of the new republics, to send ministers to the Panama congress. In the resolution, as originally offered, this ground was misstated ; so as to make it appear, that the president had asserted the right to appoint and commission ministers, without consulting the senate ; but when it was transferred to the legislative journal, the preamble was modified, so as to express the principle asserted, correctly. After a long discussion, which was made the vehicle of political denunciation, and of attacks upon the administration ; the resolution was laid upon the table, by a vote of 23 to 21.

In this debate, Mr. Randolph took occasion, in his desultory manner, to stigmatize the secretary of state, for his vote in the late presidential election, in such terms ; as to induce that gentleman to demand an explanation of the offensive epithets.

During the whole session, Mr. Randolph had been distinguished by a more than ordinary eccentricity of manner ; so much so, as to produce a very general belief of the disorder of his intellect. The harangues with which he occupied the attention of the senate, on almost every question, were desultory and immethodical in their character, and of interminable length. In these speeches, he felt at liberty to introduce any topic :

and the more so, from the limitation which the vice president placed upon his own authority, as the president of the senate. By the construction which he gave to the rules of that body, he deprived himself of all power of calling a member to order; and decided, that he was only invested with authority to decide upon questions of order, distinctly presented to him, by some other member of the senate, in writing. The difficulty of preserving order in debate, by this method, was so obvious, that no question of order was presented for his decision, during the session; the senators invariably refusing to reduce the disorderly expressions, to which his attention was repeatedly called, to writing. Mr. Randolph availed himself of this state of things, to introduce into every debate, his remarks upon the politics of the day; and the consequence was, that the business of the nation was neglected; while he was permitted to engross the attention of the senate, by rambling and discursive harangues; in which, the dignity of congress, and the character of the country, were alike forgotten. It is to be lamented, that the vice president took this view of his powers, and his duties. It is true, that it was a new question; for never, until Mr. Randolph obtained a seat in that body, had the quiet and digni-

fied character of the American senate, been violated, by such an unlicensed latitude of remark. Now, however, it was distinctly presented; and as an officer, elected by the nation, "to preside over the senate," it was clearly his duty, to check all violations of decency and order, in its deliberations.

In these discussions, Mr. Randolph so far forgot his station, as to denounce the harmony existing between the president and the secretary of state, as a "coalition of Blifil and Black George;" a combination of "the Puritan with the Black-leg."

These expressions he subsequently refused to explain, when called upon by Mr. Clay; and on the 8th of April, a meeting took place between them; which, after two ineffectual fires, resulted in the reconciliation of the parties. Much regret prevailed, throughout the country, that the secretary of state felt compelled to resort to this mode of settling controversies; not only on account of the sanction, which such authority gave to a practice, never justifiable, and but rarely excusable; but because, this formal notice gave to Mr. Randolph's remarks an importance, of which they were previously destitute; and furnished to his friends the evidence, upon which they mainly relied, to establish the sanity of his intellect.

In the house of representatives, early in the session, the leaders of the opposition manifested a wish, to bring every thing before the public, without giving the executive the ordinary discretion of deciding, whether it would be injurious to the pending negotiations of the government, or not.

On the 16th of December, Mr. Hamilton introduced a resolution, calling for information, relating to the Panama mission. This resolution, which contained the usual clause, excepting from the call such information as could not be communicated, without injury to the public interest; was laid on the table, at the request of the mover; where it remained until the 31st of January. It was then considered, at the suggestion of Mr. Metcalfe, of Kentucky. Upon its being brought forward, the mover said that he had suffered it to remain on the table, because he had been informed, by the chairman of the committee of foreign relations, (Mr. Forsyth,) that the president intended to transmit the information required without a call; and that he should not press the resolution now, lest it might appear like an attempt to act, through public opinion, upon the senate; where the mission had met with serious, and perhaps unlooked-for opposition. As it had been taken out of his hands, however, he dis-

claimed any farther regard for its fate.

Mr. Cambreling, of New York, observed, that as the subject was of great importance, it was essential to have full information; and suggested, to the mover to omit that clause, which excepted from the call such information, as could not be communicated without detriment to the public interest; which suggestion was acceded to by the mover. Mr. Webster, then moved, to restore that clause; and the house agreed to his motion.

Other amendments were subsequently offered, by Mr. M'Duffie, and Mr. Rives, extending the call to information, so as to comprehend the substance of the instructions, proposed to be given to the American ministers; and the proposed objects of the mission. These amendments were accepted by the mover of the resolution, after the house had indicated its unwillingness to sanction such a departure from the ordinary calls for information; and in order, as he stated, to prevent these different changes of the question, and to give it a definite direction, Mr. Webster moved an amendment, which struck out the whole of the original resolution, after the word "Resolved;" and substituted a call for such information, respecting the character of the Panama congress, and the part to be taken in its deliberations, by the ministers

of the United States, as might, in the opinion of the president, be communicated without injury to the public. This amendment was carried; and a motion made, by Mr. Ingham, to leave out this discretionary power, on the part of the executive, was negatived, by a vote of 98 to 71. The resolution was then passed, by 125 to 40. This call for information, was not answered by the executive; until after the proposed mission had been sanctioned by the senate: thus completely refuting the insinuations, which had been freely made in the house, by the opponents of the measure; that the information was called for, in order to act upon the senate, through the medium of public sentiment.

On the 17th of March, he transmitted a message to the house on the subject of the mission; together with the information required by the resolution of Mr. Webster. This message (which will be found among the public papers, in the latter part of this work,) contained a full account of the situation of the American continent, which gave rise to the contemplated congress; a development of the system of the policy of the United States, and of their views, with regard to that congress. It was referred to the committee on foreign relations; which reported in favor of the expediency of the measure.

This report gave a very able exposition of the advantages of the mission; and an answer to the principal objections, which had been urged against it.

The committee regarded the congress at Panama as a body in which would be considered various subjects, embracing in general terms the political and commercial relations of the United States, with the new American republics,—that it was merely a meeting of diplomatic agents, clothed only with power to discuss and negotiate concerning these topics, and not to commit the governments appointing them to any definite course—that the established principle of our diplomatic intercourse, was to maintain diplomatic relations with those powers, with whom we had political and commercial relations; and that that principle applied with peculiar force to the present instance, and required our representation at Panama.

To the objection that the attendance of the United States at the congress of Panama, would be unconstitutional; the committee replied, that there was no restriction in the constitution, on the appointment of foreign ministers by the proper authority. This objection proceeds on an assumption, that the congress at Panama is either a government, a branch of a government, or a confederacy of govern-



ments ; and that the United States, by attending there, unite themselves to that government or confederacy. Neither part of this assumption is true. The congress is a meeting of diplomatic agents from independent governments ; and if the congress were a government, or confederacy, our attendance there by diplomatic agents would be no entrance into the confederacy, or union to the government.

The assertion, that all the proposed objects could be as well attained by separate negotiations with the several states, was met by a direct denial ; and the difficulty of carrying on separate and disconnected negotiations for the attainment of a common object, with courts so far apart as to prevent the interchange of intelligence more than twice a year, was strongly contrasted with the advantages of a free and prompt interchange of sentiments, in an assembly of diplomatic agents.

The objection, that the subjects of discussion, the powers of the ministers and the mode of organizing the congress, and of deciding questions, were not settled, was not well founded. The mode of proceeding must necessarily be that of diplomatic discussion and conference, and was expressly stated to be so, and the omission to fix the other details, was considered rather

favorable than disadvantageous to the United States.

The objections founded upon the danger of compromising our neutrality, and of forming entangling alliances, were refuted by a reference, to the express conditions upon which, the invitation to the congress was accepted ; to the character in which this country appeared there, viz : as a mediator between Spain and her former colonies ; and to the constitutional checks upon any such measures, which existed in the executive and senate. It was further urged, that the danger of forming an alliance was incident to all missions, and that the consequences of an alliance with one of these new republics, would be as entangling as those of an alliance with all ; and yet no objection had been made to the diplomatic intercourse with them, and no disadvantages had grown out of such an intercourse. That this measure was without an exact precedent was admitted ; but the circumstances out of which it grew were also unprecedented—and so were most of the important measures adopted by the government of the United States, since the adoption of the constitution. It was not, however, in principle novel or unprecedented. The ministers to the Panama congress carry with them the same powers that have ever been vested in the

foreign ministers of the United States. The characteristic policy of this country, has been to ask no questions, about the quality or constitution of the power to which our ministers were sent. It has rested for security not on a timid calculation of the powers of the government, or body with which our ministers were to treat ; but on our constitutional safe-guards at home. The policy has been to be represented, wherever we have important political and commercial relations. In like manner, our ministers to Panama will go to do the business of the country. Their appearance there cannot have the effect of breaking down the senate and house of representatives, and by a dictatorial power unknown to the constitution, of binding the country in a foreign alliance.

Upon the objection which had been much relied on, that there was something in a congress of assembled powers essentially pernicious, which this country ought to shun ; it was remarked, that the pernicious character of the late European congresses, to which the opponents of these measures had particularly referred, consisted in the nature of the governments assembled, and in the objects aimed at. It was certainly pernicious for a number of despotic powers, wielding great military forces, to meet and concert measures for

violently interfering in the internal affairs of other states ; but the committee did not perceive, the applicability of this objection to an assembly of the representatives of popular governments for different objects. Besides, this objection went too far. If the pernicious character of the power, to which the mission is to be sent forms a reason for not sending it ; it would be impossible for the United States to maintain a single mission in Europe. In every case our ministers there are accredited to governments, constructed, as we think, upon principles which could not be introduced here, without immediate national ruin.

The committee then proceeded, to consider the subjects of discussion at the proposed congress, in the following manner :

“ By the terms of the invitation, as well as the nature of the case, the discussions at Panama are to extend to all subjects of importance.

“ To the new states, as among each other :

“ Or, as between them and Spain.

“ Or of importance directly to us, in our connection with them.

“ Each power is at liberty to propose what subject for discussion or negotiation, it may please ; the only limitation being that which the United States impose on themselves, with the understanding of the other powers, that we are to

engage in no discussions inconsistent with an entire neutrality.

“Although, in different degrees, the three classes of subjects, above enumerated, are interesting to the people of the United States. The relations of the new states to each other, are very important to us. They are our near neighbors. One of them has an immense landed frontier on our territory, and, together with the two next in geographical succession, lies on those waters into which the great internal communications of the United States are discharged. With the others, we have no direct geographical, but we have highly important commercial connections. At present there are eight or nine independent states, formed out of the late Spanish and Portuguese colonies; seven of these, viz: Mexico, Guatemala, Colombia, the provinces of La Plata, Chile, Peru, and Upper Peru, have adopted republican governments. Now, it is to us a matter of very great interest, how these states shall stand towards each other. Should they fall into dissensions and wars, those great advantages which we have reasonably promised ourselves, from their growth and prosperity, could not be realized. The great drawbacks on the progress of these states, and on the extension of advantageous, commercial relations with them, arising from the war with Spain,

would be perpetuated, by the growth of feuds and conflicts with each other. It would have been as well for us and for themselves, that the mother country had continued to rule them, as that their energies should be wasted in civil wars. The committee do not intend to augur unfavorably for the peace and harmony of these states, but it is obvious that the simultaneous rise of so many neighboring independent republics must be attended with its hazards. Rival claims to portions of territory may form a subject of contention among the new states, as they did in our own confederacy after the war of the revolution. A controversy of this kind, has actually arisen between Mexico and Guatemala, which the committee trust will be settled by friendly compromise, for few events could be more to be deprecated by us, than a war between two states lying on and near the gulf of Mexico. Unfortunately, a controversy of the same kind has broken out into a war, between Brazil and the United provinces of La Plata, for the disputed possession of the Banda Oriental. The effect of this war on us has been instantaneous. It has already become necessary to ask for an additional appropriation for the naval service of the year, of near one hundred thousand dollars, to protect the property and lives of our citizens from the dangers to

which, in the progress of this war, they will be exposed. Now, it has been expressly provided, in the treaties which led to the formation of the congress of Panama, that the ministers there assembled should exercise the office of mediators when such differences shall arise. Brazil and La Plata have both been invited to the congress: and had it been in active operation, it certainly is within the reach of political probability, that this unfortunate controversy might, by friendly mediation, have been prevented from ripening into the fatal issue of war. To the work of mediation, in all such cases, the United States would come as the most disinterested party: and as we ourselves have experienced the benefits of the mediation of a foreign friendly power, it may happen that we may render the like good office to our sister states. Could we but, in a single instance, avert or terminate a war, it would itself form a sufficient motive for accepting the invitation. We claim no right of interference; we do not obtrude ourselves as umpires. We are invited to a congress, where we are told these national differences, if they arise, will be discussed; we are told that our presence, counsel and experience, are desired. No maxim of the most cautious political prudence bids us stand aloof. Next to peace on our own part, their

peace and prosperity are our leading interest; and the policy of maintaining peace, through the instrumentality of friendly mediation, is entirely congenial with the principles and feeling of the people of the United States of America, and sanctioned by their practice.

“The next general class of subjects to be discussed at the congress of Panama, are the relations of the new states with Spain. This subject, it is expressly stipulated, is only to be approached by our ministers under the reservation of strict neutrality. More than this, our great efforts will be directed to pacification. The policy of the United States, in this respect, is sufficiently unfolded in the letter of the secretary of state to Mr. Middleton, dated May 10, 1825; and the letter of the secretary of state to Mr. Salazar, dated December 20, 1825. Pacification between the belligerents is an object which it is our most decided interest to pursue. No single political event, perhaps, could be named more desirable to the United States, in reference to their industrious interests, than the termination of the present contest. We suffer every way by its continuance; our commerce with Spain languishes; and it is impossible that it should assume a profitable expansion with the new states.

“Connected with the belligerent

relations between Spain and the new states, is the fate of the Spanish Islands, particularly Cuba. If the war continues, the invasion of that island will be attempted ; it is an avowed subject of discussion at the congress. This is a subject of the greatest moment to the United States, in every respect. We have an intercourse with that island, which acts upon our industry in all its branches. The Moro may be regarded as a fortress at the mouth of the Mississippi ; and, what is infinitely more important, unless Cuba should be invaded by an overwhelming force, (such a force as the new states will hardly be able to organize,) that invaluable island may renew, almost within sight of our shores, the terrific example of San Domingo.—Any effort on the part of the United States to avert such a catastrophe would be cheaply made ; none could justifiably be omitted. Had the government of the United States, after being invited to attend a conference of the ministers of the powers by whom that invasion is projected, declined to be present, they would have been heavily responsible to the people for whatever disastrous effects our friendly interference might have averted or delayed.

“ The last general class of subjects to be discussed and treated at Panama, are the direct interests between the United States and the

new republics ; unquestionably, as far as we are concerned, the most important branch of the negotiations. With several of these powers we have no treaty whatever. With Mexico—as appears from the correspondence between the secretary of state and Mr. Poinsett—we have been unable, as yet, to form a treaty on satisfactory conditions ; and the obstacles which have hitherto prevented this from being done, are precisely such as are most likely to be removed at a conference of ministers of all the new states.

“ At such a conference, we shall, of course, possess the best opportunity of establishing uniform and liberal relations with all. The arrangements to be made with them comprehend the great principles of belligerent, neutral, and commercial law, as set forth in the general instructions to Mr. Anderson, by the then secretary of state. The United States have long been laboring to introduce into every branch of public law, principles of liberality, equality and humanity, hitherto unknown in its codes. The various respects in which our policy, in many leading points of the laws of war and trade, differs from that of Europe, are well known to the house, and need not here be stated. The republic of Colombia, in inviting our attendance at the congress, has asked for herself and

her sister republics, the benefit of our experience in the great school of international politics. To refuse our attendance at the congress, when urged on this ground, would be to neglect to seize, perhaps, the fairest opportunity which the history of the world ever afforded, of giving a wide and prompt diffusion to liberal doctrines of public law. It would certainly put it out of our power to complain of any policy these states might adopt, however unfriendly toward our interests, and however vicious in principle.

“ Such are the views of the committee, with respect to the several classes of subjects which will be discussed at this congress. It is a very obvious reflection, that our attendance may have a powerful effect in giving a character to the assembly itself. Our presence is particularly requested by one of the new states, who have joined in the invitation on the ground of the ‘importance and respectability’ which would thence attach to the congress. The committee do not foresee the possibility that, under any circumstances, the congress could become an inconvenient or dangerous assembly. But if it be thought by any one, that evil consequences are likely to flow from it, the prospect of such consequences would furnish new reasons why we should be represented at it. Whatever opinions may be held of the expe-

diency of such a meeting, in itself, it would seem that there could be but one opinion as to the duty of our attendance at the congress, to correct the pernicious tendency which it may be feared to have. To neglect to attend the congress, because it was a combination of unfriendly aspect, would be to neglect the ordinary preparations of defence, precisely because there was danger of war. Viewing the congress at Panama in this unfavorable light, (for which, however, the committee apprehend there is no reason,) no administration of the executive government would stand justified to the country, without taking measures, most promptly, to be informed of its proceedings. If not invited, to send authorised and accredited ministers, it would have been their duty to send private political agents.

“ The committee have felt it their duty to consider this question, chiefly on strict grounds of political expediency, and in reference to the principle of our diplomatic intercourse. They, however, accord in sentiment with the president, that a sufficient inducement to accept the invitation would have been ‘to meet in the spirit of kindness and friendship, an overture made in that spirit by three sister republics of this hemisphere.’ It will not escape the consideration of this house, that the conduct of the

United States, toward the new republics, has ever been regulated by the maxims of a frank and liberal policy. Had we acted toward them, even as we have felt it our duty to act toward Europe, our course would have been essentially different. Had our feelings toward them been the same as those which our political fathers have inculcated toward Europe, we should certainly have regarded it rather as an evil than a benefit, that so many new republics, of which the greater part must be powerful states, are rising into existence on the same side of the water as ourselves. We are henceforward to be without that which has formerly been regarded as the great bulwark of our national security, our geographical distance from every other powerful state. But we have not hesitated to break down this bulwark. We have gone to meet and welcome the new republics. We have ourselves assisted to exchange weak colonial, for powerful sovereign neighbors. As far as it depended on us, we have chosen to place the regions, on our immense southwestern frontier, beneath the government of vigorous republican institutions, instead of having them under the safe and enervating despotism of Spain. In the judgment of the committee, this has been a sound, a great, an auspicious policy. It was not rashly adopted ; it was long deliberated,

well weighed, and at length received its sanction in the unanimous voice of this house, and the acclamations of the people. From this policy it is now too late to recede. We cannot now do much to obstruct the growth of the new states ; we can do every thing to conciliate and attach them, or to estrange and disgust them. The first course will promote the general cause of liberty, will perpetuate friendly relations between the two great portions of this continent, to the mutual advantage of both ; and will render us more and more independent of Europe. The latter course will tend to revive in the new world, the false and pernicious maxims of the old ; to teach neighboring republics to fix on each other the fatal name of natural enemies ; to create piratical and border wars ; to generate systems of exclusion ; and, finally, to establish, in this hemisphere, those political principles and habits which have caused the downfall of so many foreign states, made so many others stationary and languishing, and checked the growth of all. We are now to consider, whether we will take the first step in an unfriendly and repulsive policy, by refusing to accept the courteous invitation of three most respectable neighboring governments, tendered in a manner equally creditable to their delicacy, and flattering to the uni-



ted States. Nothing but a certainty of pernicious consequences to result from our attendance at the congress, would, in the opinion of the committee, be sufficient to justify our refusal to accept such an invitation. As our attendance at the congress, instead of being prejudicial to the public interests, is, in the judgment of the committee, a measure of the most obvious political expediency; as it is stipulated to bring into no hazard the neutrality of the United States; as all fears of an entangling alliance have been shown to be unfounded; in a word, as the congress will be regarded by the executive of the United States, as purely a consultative meeting; and as the objects of consultation are of primary importance to the country, the committee on foreign affairs are of opinion that the mission to Panama ought to receive the sanction of the house of representatives; and they accordingly recommend the adoption of the following resolution:

**“ Resolved, That, in the opinion of the house, it is expedient to appropriate the funds necessary to enable the president of the United States to send ministers to the congress of Panama.”**

Immediately after the close of the debate, upon Mr. M'Duffie's resolution, to amend the constitution, viz. the third of April, this

resolution was taken into consideration by a committee of the whole house, on the state of the union; and Mr. M'Lane, of Delaware, submitted the following amendment to it, viz:

**“ It being understood as the opinion of this house, that, as it has always been the settled policy of this government, in extending our commercial relations with foreign nations, to have with them as little political connection as possible, to preserve peace, commerce, and friendship, with all nations, and to form entangling alliances with none; the ministers who may be sent, shall attend at the said congress in a diplomatic character merely; and ought not be authorised to discuss, consider, or consult upon any proposition of alliance, offensive or defensive, between this country and any of the Spanish American governments, or any stipulation, compact, or declaration, binding the United States in any way, or to any extent, to resist interference from abroad, with the domestic concerns of the aforesaid governments; or any measure which shall commit the present or future neutral rights or duties of these United States, either as may regard European nations, or between the several states of Mexico and South America: leaving the United States free to adopt, in any event which may happen, affecting**

the relations of the South American governments, with each other, or with foreign nations, such measures as the friendly disposition cherished by the American people towards the people of those states, and the honor and interest of this nation may require."

This amendment produced an animated and interesting debate, in which the whole policy of the measure was freely criticised, and ably defended.

Mr. M'Lane said, that he had endeavored to embody in this amendment, all those principles, by which the foreign intercourse of the country had been governed. He thought the subject of great importance, and standing without the sanction of any precedent. He would not condemn the measure; but still it came before the house under such circumstances, as to call for deliberation; and when the house did act, it should act free from all influence of the executive. This is the more necessary; because the house is called upon to share the responsibility of the measure.

If the president, after the senate had confirmed the nomination, had come to this house simply for an appropriation, he would have granted it without much inquiry; because the responsibility would have rested, where the constitution placed it,—upon the president. But the executive has thought pro-

per not to assume the whole responsibility. He asks this house to share it with him. Such was his construction of the message. He was not about to censure this caution. The measure was of a nature to require prudence: but it is nevertheless true, that it is thus sent to the house, and the house must express an opinion. We cannot make the appropriation, without becoming parties to the measure. The president has asked for our opinion; and it is due to him, and to the country, that such opinion should be expressed.

His object in offering this amendment was, not to embarrass the measure, nor to tie up the hands of the executive. It is, on the contrary, to give him full latitude. It is to give our opinion. He may, nevertheless, act according to his own discretion, notwithstanding our opinion; but it will then be upon his own responsibility. If our opinion differs from his, it will be of service; and if it should be the same, it will do no harm. It will, on the contrary, sustain him in the eye of other nations. There are notions now floating in the public imagination, the tendency of which is to mislead our foreign functionaries; and it is proper that they should be brought into form, so that we may determine upon their correctness. Ever since the memorable message of Mr. Monroe, in 1823, he had

observed these misconstructions, and the sentiments prevailing among the people,—sentiments which this house might be unwilling to sustain.

What did that declaration mean! Was it held out in terrorism?

You hold out the idea, that any interference on the part of the European powers, except Spain, with the South American nations, will be resisted by the United States. Are we prepared to act upon that declaration, if such interference should take place? It would ill become us to say, that we had no serious intention, when we held such language in the face of the world.

The topic has now assumed a graver character. It is about to become the subject of discussion in the Panama congress, and we are called upon for an explicit declaration of our views. If this had been asked in a special message, we could not refuse it. It is not now asked here, but it is to be asked at Panama; and you are required to send ministers to answer it: and it, therefore, becomes us as much to deliberate upon the subject, as if the question were directly put to themselves. He did not mean to go into a minute investigation. The view he proposed to take, superseded the necessity of that; but he wished

to say, that he did not entirely concur in the opinions of the committee of foreign relations. He did not consider this congress as a mere deliberative, diplomatic assembly. He believed its deliberations would be binding on all the governments, that were represented there, without any subsequent action on their part. If not, he could not perceive, what advantage would be derived from this assembly. It is held under the authority of treaties, and is vested with the powers of peace and war, and to give effect to those treaties; and every power present will be as much bound by its acts, as if under the obligation of specific treaties.

He did not say this in condemnation of the measure. Whatever may be the character of this congress, we may have very important interests connected with it; and it is our duty to be represented there by some accredited agent. He was not tenacious as to the form of this mission. The executive has recommended a particular form, and the senate has confirmed it. He did mean, therefore, to object to the form; but he wished to call the attention of the house, to the subjects to be discussed at the Panama congress. Mr. M'Lane then quoted from the message of the president some passages, stating the objects of the mission, and proceeded.

These objects are all important. They afford a sufficient reason to send some kind of agents. There are other subjects of minor importance ; and it is proposed to discuss all these subjects by our ministers ; but we are not to be bound by their decisions, until they have been ratified by the senate.

There are, however, subjects connected with this country, which he would not consent should even be discussed or considered ; and to prevent that, he had proposed his amendment.

There are questions of international law—the abolition of the slave trade—the condition of Hayti, Porto Rico, and Cuba—the resistance of any attempts to form new colonial establishments on this continent—and any interference with the domestic relations of the new republics.

He did not object to the discussion of any of these topics, but the last ; though he did not believe that any one of these objects would be gained by the mission. We have nothing to give, or to concede ; and, therefore, nothing to gain : still they may be discussed. Any treaty as to foreign nations, is incompatible with our policy, and, therefore, ought not to be discussed. The system of policy adopted by a nation, is not a subject of negotiation. It is the duty of a government to regulate its own con-

cerns, and to announce its policy to the world ; but not to negotiate, as to what it shall be.

It is for us to say that our policy is pacific and neutral ; that we are determined to steer clear, of all difficulties growing out of the situation and circumstances of other nations ; and that we will never consent to negotiate, whether we will take part in their concerns or not. If, however, any gentleman would say, that he was willing to stipulate, that we should irrevocably take part in any disputes between foreign nations ; he was desirous distinctly to say that he would not consent to any such stipulation. He would not go abroad to make an agreement, which he would not assent to at home. He would not even discuss these points ; and therefore he thought it due to ourselves and to these governments, that if we determine to remain free from any such pledge, they should know our determination.

He did not mean to say, that it is the intention of the executive to enter into any alliances, or stipulations on this subject. Still, the subject will be discussed : these powers expect it will ; and this expectation, is a reason why our opinions should be declared.

He then quoted from the letters of Messrs. Salazar, Obregon, and Canaz, to Mr. Clay ; and his

answer accepting the invitation; and also from the president's message, to show that this was one of the prominent objects of the mission; and then proceeded to say, that it was not by treaty alone, that alliances and obligations were entered into: they might be assumed by proclamation, and by many other modes. He would not enter into this subject. The settled policy of this country is not only neutral; but to avoid all political connections, all entangling alliances, and all associations which are not necessary to effect commercial objects. It is the interest of the country that this policy should prevail; and it is the duty of the government to make it prevail. The government indeed cannot be insensible to the public opinion. It is founded on public opinion; but when a feverish excitement has been created by adventitious causes, it is the duty of the government to repress it. The moment the government loses sight of this principle, we are all afloat. The policy of the act of 1793 was, the moderation of the government, acting on public excitement. The sympathies of the people were strongly and justly excited in favor of the French nation; and this violence of feeling would have hurried us into war, but for the interposition of the power of the government. Again, on a more recent occasion, the efforts of the Greeks

kindled the sympathies of the people—it was an acclamation of the whole country, but the course adopted by the government, checked and qualified it. So also in relation to the South American states, the policy which we have adopted towards them, was the act of the government on the people.

The message of the president takes the valedictory address of general Washington, as the foundation of the neutral policy of the country. It is not so. The policy existed before that address; it had its origin in the very infancy of our country, and that valedictory address came to confirm it. That address was not so much in favor of the policy itself; as of its continuance. If he had not totally misunderstood the spirit of that address, it related not to our policy as to a particular people or a particular time; but to all people, and to all time: to preserve our neutral attitude, and thus to disconnect ourselves from the broils of other nations, wherever they may be situated. The great spirit of this policy is, to leave the government untrammelled, to act according to our best interests, whenever we may be called on to do so. This might have been the motive to recommend it, in relation to European and other nations. What is there in the character of the South American governments, to induce any change in this

policy towards them. He had no wish, to undervalue that part of the continent. He would not wish it to be supposed, that he had no sympathy for the South American people : he had deeply sympathized in all their struggles and privations in quest of their independence ; but in their institutions themselves, there was nothing to excite any particular sympathy. He felt all due respect for their character ; he was as great an admirer of the courage and constancy they had exhibited, as any gentleman could be ; but he would not suffer that feeling to drag him from his moorings, nor to set the country afloat. If there be any thing in the proximity of those nations to influence, it should rather strengthen our attachment to this policy, and induce us to cling with still greater circumspection to our anchorage. It is here the European nations are detached and distant, and the facilities for the preservation of a neutral character are greater ; but because a nation is nearer, and the difficulty of sustaining that character is greater, the more difficult it is to preserve neutrality, the greater necessity is there-for circumspection. Would a war on our borders be less injurious to us, than a difficulty with a remote antagonist ? These governments are yet in their infancy—they are still in their chrysalis state—they have yet

to pass through various trials, before they can reach their proper elevation among nations. He was desirous that all their best hopes might be realised ; but they are yet new, and may be involved by a multiplicity of circumstances.

He would not go farther into an argument, as to general topics. The simple object he had in view, was to offer his amendment. It appeared to him, that we cannot vote the appropriation ; unless we come to an expression of the opinion contained in the amendment, without committing ourselves. It is avowed in the message and the documents, that we must have political relations. He would not say, that we would not have these political relations. It is the opinion of the ruling statesmen of our day and of our country, that we are an American family of governments, and have common interests and a common cause. When that opinion is acted on, and we are called to send ministers, he would say, it is a subject not to be discussed. It will not satisfy to bring forward as an argument, that we cannot compromise our neutrality. Our true ground is—we cannot go into the discussion at all. If the executive wish to avoid the expression of an opinion—if the house will sustain him in his amendment, we will tell these governments that we will go so far ; but the people and their repre-

representatives say we must not go so far, as to commit the interests of the country.

In offering his amendment, he had no disposition to embarrass the measure. He should propose to leave the whole constitutional power to the president; but he could not reconcile it to his sense of duty to give the appropriation without the opinion.

To the amendment of Mr. M'Lane, Mr. Rives, of Virginia, proposed to add after the 25th line the following:—

“Or any compact or engagement by which the United States shall be *pledged* to the Spanish American states, to maintain, by force, the principle that no part of the American continent is henceforward subject to colonization by any European power.”

Mr. Rives said, that this subject was a prominent object of the deliberations of the Panama congress; and he was unwilling to commit the country to any engagement with the South American states on this point. He thought he could satisfy the committee, that by so doing, we should directly endanger the peace of the country, and be placed in a hostile position, with one of the most powerful nations of the earth. He referred to Great Britain.

The president stated, in general terms, that our territory covered

the whole continent; so that we must maintain the principle over the whole continent. But, even if restricted, great dangers might ensue. On the Northwest Coast, the claims of the United States and Great Britain are in direct conflict. Between the 42d and the 54th degree of north latitude, (which is the limit of the Russian claim,) there was a dispute as to the boundary of our possessions. Our claims to the disputed territory, are founded on the prior discovery of captain Gray, in 1790. This claim is denied by Great Britain. Our claims to the rest of the coast, rest on the Spanish grants. How is our claim received by Great Britain? Our minister informs us that she is not prepared to relinquish her claim, and would not admit ours. This shows that Great Britain is resolved to dispute our claim; and it becomes us, before we involve ourselves in a contest, to satisfy ourselves that the principle is just. We had not been able to sustain our demand upon any good ground; and he was unwilling to place ourselves in collision with Great Britain, upon such a shadowy foundation of right.

He was not satisfied that no European power could introduce a commercial intercourse into this territory; and such an intercourse necessarily accompanied territorial dominion.



Another reason alleged was, that the United States had a sort of political supremacy over the whole continent. This could not be sustained. The principle itself, was still a matter of controversy between Great Britain and this country; and if we pledge ourselves to sustain it, we probably rush into an actual war. This is not a mere question of boundaries. No person will believe, that the president meant that we should pledge ourselves to maintain our territorial boundaries as we claimed them. The fact is, it is a controverted question between ourselves and Great Britain, and it was unwise in us to give such a pledge.

We had no motive for it. We want no aid from these states to vindicate our own boundaries; and if we did, we could not obtain it in the mode proposed.

Mr. Rives also objected to this fraternal system, which, he said, seemed to have been lately adopted towards the South American states. All its consequences were to be referred to the secretary of state. The present executive, whatever was his original bias, has become a proselyte. The cabalistic phrases of this system, "sister republics," "new-born nations," &c. recurring in his message, show that the president had adopted it.

Another evidence is the attempt

to do away, the application of Washington's advice to these times.

He differed with the executive on this point. He thought the advice even more applicable now, than when delivered. Then we were in a state of infancy, and it might have been desirable to have had the aid of older powers. Now, we are strong enough to defend ourselves. He considered the government to have pledged itself by this mission on two points, viz. to resist any farther colonization of this continent; and the interference of any European powers in the contest between Spain and her former colonies; and that the house was bound to step in, and release them from the dilemma in which it had involved itself.

In reply, Mr. Webster said, that in his opinion these amendments presented two questions; the first, whether the house of representatives will withhold the ordinary appropriation, for carrying into effect an executive measure, which the executive department has constitutionally instituted? The second, whether, it will take the responsibility of interposing, with its own opinions, directions or instructions, as to the manner in which this particular executive measure shall be conducted?

"He was in the negative, on both these propositions. He was neither willing to refuse the appropriation,

nor to limit the discretion of the executive, beforehand, as to the manner in which it shall perform its own appropriate constitutional duties. And, those who hold these opinions have the advantage of being on the common highway of our national politics. We propose nothing new; we suggest no change; we adhere to the uniform practice of the government. It is for those, who are in favor of either, or both, of the propositions, to satisfy the house and the country, that there is something in the present occasion which calls for such an extraordinary and unprecedented interference.

“The president and senate have instituted a public mission, for the purpose of treating with foreign states. Such appointment is, a clear and unquestionable exercise of executive power. It is, indeed, less connected with the appropriate duties of this house, than almost any other executive act; because the office of a public minister is not created by any statute or law of our own government. It exists under the law of nations, and is recognized as existing by our constitution. The acts of congress, indeed, limit the salaries of public ministers; but they do no more. Every thing else, in regard to the appointment of public ministers, their number, the time of their appointment, and the negotiations contemplated in such appointments, is matter for executive discretion.

Now the question is, whether the president and senate, having created this mission, or, in other words, having appointed the ministers, in the exercise of their undoubted constitutional power, this house will take upon itself the responsibility of defeating its objects, and rendering this exercise of executive power void?

“By voting the salaries, in the ordinary way, we assume, as it seems to me, no responsibility whatever. We merely empower another branch of the government to discharge its own appropriate duties, in that mode which seems to itself most conducive to the public interests. We are, by so voting, no more responsible for the manner in which the negotiation shall be conducted, than we are for the manner in which one of the heads of department may discharge the duties of his office.

“On the other hand, if we withhold the ordinary means, we do incur a heavy responsibility. We interfere, to prevent the action of the government, according to constitutional forms and provisions. It ought constantly to be remembered that our whole power, in the case, is merely incidental. The constitution vests the power of appointment in the president and senate; the law gives to the president even the power of fixing the amount of salary, within certain limits; and the only question, here,

is upon the appropriation. There is no doubt that we have the power, to break up the mission, by withholding the salaries ; we have power also to break up the court, by withholding the salaries of the judges, or to break up the office of president, by withholding the salary provided for it by law. But, then, can we rightfully exercise this power ? These officers do, indeed, already exist. They are public ministers. If they were to negotiate a treaty, and the senate should ratify it, it would become a law of the land, whether we voted their salaries or not.

“ The gentleman from Delaware says, that the source from which the measure springs, should have no influence with us whatever. I do not comprehend this. This measure comes from the executive, and it is an appropriate exercise of executive power. How is it, then, that we are to consider it, as if it were a legislative measure originating with ourselves ? In deciding whether we will enable the executive to exercise his own duties, are we to consider whether we should have exercised them in the same way ourselves ? And if we differ in opinion with the president and senate, are we on that account to refuse the ordinary means ? I think not ; unless we mean to say that we will exercise, ourselves, all the powers of the government.

“ But the gentleman argues, that in the present case, the president has especially referred the matter to our opinion ; that he requests our advice. This appears a very mistaken view of the subject ; but if our advice and opinion had thus been asked, it would not alter the line of our duty. We cannot take, though it were offered, any share in executive duty. The president cannot properly ask, and we cannot properly give, our advice, as to the manner in which he shall discharge his duties. He cannot shift the responsibility from himself ; and we cannot assume it. Such a course, would confound all that is distinct in the constitutional assignment of our respective functions. It would break down all known divisions of power, and put an end to all just responsibility.

“ But, sir, I see no evidence whatever, that the president has asked us to take this measure upon ourselves, or to divide the responsibility of it with him. The senate having concurred in the mission, the president has sent a message, requesting the appropriation, in the usual and common form. Another message is sent, in answer to a call of the house, communicating the correspondence, and setting forth the objects of the mission. It is contended, that by this message he asks our advice, or refers the subject to our opinion. I do not so

understand it. Our concurrence, he says, by making the appropriation, is subject to our free determination. Doubtless it is so. If we determine at all, we shall determine freely : and the message does no more than leave to ourselves to decide how far we feel ourselves bound, either to support or to thwart the executive department, in the exercise of its duties. There is no message, no document, no communication to us, which asks for our concurrence, otherwise than as we shall manifest it by making the appropriation.

“ Mr. Chairman : I will here take occasion, in order to prevent misapprehension, to observe, that no one is more convinced than I am, that it is the right of this house, and often its duty, to express its general opinion in regard to questions of foreign policy. On those great subjects, for instance, which form the leading topics in this discussion, it is not only the right of the house to express its opinions, but I think it its duty to do so, if it should think the executive to be pursuing a general course of policy which the house itself will not ultimately approve. But that is something entirely different from the present suggestion. Here it is proposed to decide, by our vote, what shall be discussed by particular ministers, already appointed, when they shall meet the ministers

of the other powers. This is not a general expression of opinion. It is a particular direction, or a special instruction. Such a thing, sir, is wholly unprecedented. The course of the house, hitherto, has not been such. It has expressed its opinions, when it deemed proper to express them at all, on great, leading questions, by resolution, and in a general form. These general opinions, being thus made known, have doubtless always had, and such expressions of opinion doubtless always will have, their effect. This is the practice of the government. It is a salutary practice ; but if we adopt a very different practice, and undertake to prescribe to our public ministers what they shall discuss, and what they shall not discuss, we take upon ourselves that which, in my judgment, does not at all belong to us.

“ It is obvious to remark, Mr. Chairman, that the senate have not undertaken to give directions or instructions in this case. That body is closely connected with the president in executive measures. Its consent to these very appointments is made absolutely necessary by the constitution ; yet it has not seen fit, in this or any other case, to take upon itself the responsibility of directing the mode in which the negotiations should be conducted.

“ For these reasons, Mr. Chair-

man, I am for giving no instructions, advice, or directions, in the case. I prefer leaving it where, in my judgment, the constitution has left it—to executive discretion and executive responsibility.

“But I think there are other objections to the amendment. There are parts of it which I could not agree to, if it were proper to attach any such condition to our vote. As to all that part of the amendment, indeed, which asserts the neutral policy of the United States, and the inexpediency of forming alliances, no man assents to those sentiments more readily, or more sincerely, than myself. On these points, we are all agreed. Such is our opinion; such, the president assures us, in terms, is his opinion; such we know to be the opinion of the country. If it be thought necessary to affirm opinions which no one either denies or doubts, by a resolution of the house, I shall cheerfully concur in it. But there is one part of the proposed amendment to which I could not agree, in any form.

“That part of the amendment to which I now object, is, that which requires, as a condition of the resolution before us, that the ministers ‘shall not be authorized to discuss, consider, or consult upon any measure which shall commit the present or future neutral rights

or duties of these United States, either as may regard European nations, or between the several states of Mexico and South America.’

“I need hardly repeat, that this amounts to a precise instruction. It prescribes to public ministers the precise manner in which they are to conduct a public negotiation; a duty manifestly and exclusively belonging, in my judgment, to the executive, and not to us.

“But if we possessed the power to give instructions, this instruction would not be proper to be given. Let us examine it. The ministers shall not ‘discuss, consider, or consult,’ &c.

“Now, sir, in the first place, it is to be observed, that they are not only not to agree to any such measure, but they are not to discuss it. If proposed to them, they are not to give reasons for declining it. Indeed they cannot reject it; they can only say they are not authorised to consider it.

“But again: they are to discuss no measure which may commit our neutral rights or duties. To commit, is somewhat indefinite. May they not modify, nor in any degree alter, our neutral rights and duties? If not, I hardly know whether a common treaty of commerce could be negotiated; because all such treaties affect or modify, more or less, the neutral rights or duties of

the parties ; especially all such treaties as our habitual policy leads us to form.

“ But, if this objection were removed, still the instruction could not properly be given. What important or leading measure is there, connected with our foreign relations, which can be adopted, without the possibility of committing us to the necessity of a hostile attitude ? Any assertion of our plainest rights may, by possibility, have that effect. The author of the amendment seems to suppose that our pacific relations can never be changed, but by our own option. He seems not to be aware that other states may compel us, in defence of our own rights, to measures, which, in their ultimate tendency, may commit our neutrality. Let me ask, if the ministers of other powers, at Panama, should signify to our agents, that it was in contemplation immediately to take some measure which these agents know to be hostile to our policy, adverse to our rights, and such as we could not submit to—should they be left free to speak the sentiments of their government, to protest against the measure, and to declare that the United States would not see it carried into effect ? Or should they, as this amendment proposes, be enjoined silence, let the measure proceed, and afterwards, when, perhaps, we go to

war to redress the evil, we may learn, that if our objections had been fairly and frankly stated, the step would not have been taken ? Look, sir, to the very case of Cuba—the most delicate, and vastly the most important point in all our foreign relations. Do gentlemen think they exhibit skill or statesmanship, in laying such restraints as they propose on our ministers, in regard to this subject, among others ? It has been made matter of complaint, that the executive has used, already, a more decisive tone towards Mexico and Colombia, in regard to their designs on this island. Pray, sir, what tone could be taken, under these instructions ? Not one word—not one single word could be said on the subject. If asked whether the United States would consent to the occupation of that island by those republics, or to its transfer by Spain to a European power ; or whether we should resist such occupation, or such transfer, what could they say ? ‘ That is a matter we cannot discuss, and cannot consider—it would commit our neutral relations—we are not at liberty to express the sentiments of our government on the subject : we have nothing at all to say.’ Is this what gentlemen wish, or what they would recommend ?

“ If sir, we give these instructions, and they should be obeyed,

and inconvenience or evil result, who is answerable? And I suppose it is expected they will be obeyed. Certainly it cannot be intended to give them, and not to take the responsibility of consequences, if they be followed. It cannot be intended to hold the president answerable both ways; first, to obey our instructions, and secondly, for having obeyed them, if evil comes from obeying them.

“Sir, events may change. If we had the power to give instructions, and if these proposed instructions were proper to be given, before we arrive at our own homes, affairs may take a new direction, and the public interest require new and corresponding orders to our agents abroad.

“This is said to be an extraordinary case, and, on that account, to justify our interference. If the fact were true, the consequence would not follow. If it be the exercise of a power assigned by the constitution to the executive, it can make no difference whether the occasion be common or uncommon. But, in truth, there have been much stronger cases for the interference of the house, where, nevertheless, the house has not interfered.

“I am, therefore, against the amendment; not only as not being a proper manner of exercising any power belonging to this house, but, also, as not containing instructions

fit to be given, if we possessed the power of giving them.”

Mr. W. then proceeded:—“Mr. Chairman—It is our fortune to be called upon to act our part, as public men, at a most interesting era in human affairs. Not only new interests and new relations have sprung up among states, but new societies, new nations, and families of nations, have risen to take their places, and perform their parts, in the order, and the intercourse of the world. We have seen eight states formed out of colonies on our own continent, assume the rank of nations.

“This is a mighty revolution; and when we consider what an extent of the surface of the globe they cover; through what climates they extend; what population they contain, and what new impulses they must derive from this change of government, we cannot but perceive that great effects are likely to be produced on the intercourse, and the interests of the civilized world.

“In many respects, the European and American nations are alike. They are alike christian states, civilized states, and commercial states. They have access to the same common fountains of intelligence; they all draw from those sources which belong to the civilized world. In knowledge and letters—in the arts of peace and war,



they differ in degrees ; but they bear, nevertheless, a general resemblance. On the other hand, in matters of government and social institution, the nations on this continent are founded upon principles which never did prevail, in considerable extent, either at any other time, or in any other place. There has never been presented to the mind of man a more interesting subject of contemplation than the establishment of so many nations in America, partaking in the civilization and in the arts of the old world, but having left behind them those cumbrous institutions, which had their origin in a dark and military age. Whatsoever European experience has developed favorable to the freedom and the happiness of man ; whatsoever European genius has invented for his improvement or gratification ; whatsoever refinement or polish the culture of European society presents for his adoption and enjoyment—all this is offered to man in America, with the additional advantages of the full power of erecting forms of government on free and simple principles, without overturning institutions suited to times long passed, but too strongly supported, either by interests or prejudices, to be shaken without convulsions. This unprecedented state of things presents the happiest of all occasions for an attempt to establish national intercourse upon improved principles ;

upon principles tending to peace, and the mutual prosperity of nations. In this respect, America, the whole of America, has a new career before her. If we look back on the history of Europe, we see how great a portion of the last two centuries her states have been at war for interests connected mainly with her feudal monarchies ; wars for particular dynasties ; wars to support or defeat particular successions ; wars to enlarge or curtail the dominions of particular crowns ; wars to support or to dissolve family alliances ; wars, in fine, to enforce, or to resist religious intolerance. What long and bloody chapters do these not fill, in the history of European politics ! Who does not see, and who does not rejoice to see, that America has a glorious chance of escaping, at least, these causes of contention ? Who does not see, and who does not rejoice to see, that, on this continent, under other forms of government, we have before us the noble hope of being able, by the mere influence of civil liberty and religious toleration, to dry up these outpouring fountains of blood, and to extinguish these consuming fires of war. The general opinion of the age favors such hopes and such prospects. There is a growing disposition to treat the intercourse of nations more like the useful intercourse of friends ; philosophy, just views of national advantage, good

sense, and the dictates of a common religion, and an increasing conviction that war is not the interest of the human race—all concur, to increase the interest created by this new accession to the list of nations.

“ But, although the independence of these new states seems effectually accomplished, yet a lingering and hopeless war is kept up against them by Spain. This is greatly to be regretted by all nations. To Spain it is, as every reasonable man sees, useless, and without hope. To the new states themselves, it is burdensome and afflictive. To the commerce of neutral nations it is annoying and vexatious. There is some reason, however, to believe that the war approaches to its end : that the measures adopted by our own government have had an effect in tending to produce that result.

“ Our own course during this contest between Spain and her colonies, is well known. Though entirely and strictly neutral, we were in favor of early recognition. Our opinions were known to the allied sovereigns when in congress at Aix-la-Chapelle in 1818, at which time the affairs of Spain and her colonies were under consideration ; and, probably, the knowledge of those sentiments, together with the policy adopted by England, prevented any interference by other powers at that time. Yet we have

treated Spain with scrupulous delicacy. We acted on the case, as one of civil war. We treated with the new governments, as governments *de facto*. Not questioning the right of Spain to coerce them back to their old obedience, if she had the power ; we yet held it to be our right to deal with them as with existing governments in fact, when the moment arrived at which it became apparent and manifest that the dominion of Spain over these, her ancient colonies, was at an end. Our right, our interest, and our duty, all concurred at that moment to recommend recognition—and we did recognize.

“ Now, sir, the history of this proposed congress goes back to an earlier date than that of our recognition. It commenced in 1821 ; and one of the treaties now before us, proposing such a meeting, (that between Colombia and Chili,) was concluded in July, 1822, a few months only after we had acknowledged the independence of the new states. The idea originated, doubtless, in the wish to strengthen the union among the new governments, and to promote the common cause of all—the effectual resistance to Spanish authority. But this purpose of the congress, or this leading idea, in which it may be supposed to have originated, has led, as it seems to me, to great misapprehensions as to its true character.

and great mistakes in regard to the danger to be apprehended from our sending ministers to the meeting. This meeting, sir, is a congress—not a congress, as the word is known to our constitution and laws ; but as it is known to the law of nations. A congress, by the law of nations, is but an appointed meeting, for the settlement of affairs between different nations, in which the representatives or agents of each, treat and negotiate, as they are instructed by their own government. In other words, this congress is a diplomatic meeting. We are asked to join no government—no legislature—no league—acting by votes. No nation is a party to any thing done in such assemblies, to which it does not expressly make itself a party. No one's rights are put at the disposition of any of the rest, or of all the rest. What ministers agree to, being afterwards duly ratified at home, binds their government ; and nothing else binds the government. Whatsoever is done, to which they do not assent, neither binds the ministers nor their government, any more than if they had not been present.

“It has been said that commercial treaties are not negotiated at such meetings. Far otherwise is the fact. Among the earliest of important stipulations made in favor of commerce and navigation, were those at Westphalia. And what

we call the treaty of Utrecht, was a bundle of treaties, negotiated at that congress ; some of peace, some of boundary, and others of commerce. Again, it has been said, in order to prove that this meeting is a sort of confederacy ; that such assemblies are out of the way of ordinary negotiation, and are always founded on, and provided for, by previous treaties. Pray, sir, what treaty preceded the congress at Utrecht ? and the meeting of our plenipotentiaries with those of England at Ghent, what was that but a congress ? and what treaty preceded it ? It is said, again, that there is no sovereign to whom our ministers can be accredited. Let me ask whether, in the case last cited, our ministers exhibited their credentials to the mayor of Ghent ? Sir, the practice of nations in these matters, is well known, and is free of difficulty. If the government be not present, agents or plenipotentiaries interchange their credentials.

“It contended that this congress, by virtue of the treaties which the new states have entered into, will possess powers others than those of a diplomatic character, as between those new states themselves. If that were so, it would be unimportant to us. The real question here is, what will be our relation with those states, by sending ministers to this congress ? Their arrangements among themselves will

not affect us. Even if it were a government, like our old confederation, yet, if its members had authority to treat with us in behalf of their respective nations, on subjects on which we have a right to treat, the congress might still be a very proper occasion for such negotiations. Do gentlemen forget that the French minister was introduced to our old congress, met it in its sessions, carried on oral discussions with it, and treated with it in behalf of the French king? All that did not make him a member of it; nor connect him at all with the relations, which its members bore to each other. As he treated on the subject of carrying on the war against England, it was, doubtless, hostile towards that power; but this consequence followed from the object and nature of the stipulations, and not from the manner of the intercourse. The representatives of these South American states, it is said, will carry on belligerent councils at this congress. Be it so; we shall not join in such councils. At the moment of invitation, our government informed the ministers of those states, that we could not make ourselves a party to the war between them and Spain; nor to councils for deliberating, on the means of its farther prosecution.

“If, it is asked, we send ministers to a congress composed altogether

of belligerents, is it not a breach of neutrality? Certainly not: no man can say it is. Suppose, sir, that these ministers from the new states, instead of Panama, were to assemble at Bogota, where we already have a minister: their councils, at that place, might be belligerent, while the war should last with Spain. Should we, on that account, recall our minister from Bogota? The whole argument rests on this; that because, at the same time and place, the agents of the South American governments may negotiate about their own relations with each other, in regard to their common war against Spain, therefore we cannot, at the same time and place, negotiate with them, or any of them, upon our own neutral and commercial relations. This proposition, sir, cannot be maintained; and, therefore, all the inferences from it fail.

“It has been affirmed, that this measure, and the sentiments expressed by the executive relative to its objects, are an acknowledged departure from the neutral policy of the United States. Sir, I deny there is an acknowledged departure, or any departure at all, from the neutral policy of the country. What do we mean by our neutral policy? Not, I suppose, a blind and stupid indifference to whatever is passing around us; not a total disregard to approaching events, or

approaching evils, till they meet us full in the face. Nor do we mean, by our neutral policy, that we intend never to assert our rights by force. No, sir. We mean by our policy of neutrality, that the great objects of national pursuit with us, are connected with peace. We covet no provinces; we desire no conquests; we entertain no ambitious projects of aggrandizement by war. This is our policy. But it does not follow, from this, that we rely less than other nations, on our own power to vindicate our own rights. We know that the last logic of kings is also our last logic; that our own interests must be defended and maintained by our own arm; and that peace or war, may not always be of our own choosing. Our neutral policy, therefore, not only justifies but requires, our anxious attention to the political events, which take place in the world; a skilful perception of their relation to our own concerns; an early anticipation of their consequences; and firm and timely assertion of what we hold to be our own rights, and our own interests. Our neutrality is not a predetermined abstinence, either from remonstrances, or from force. Our neutral policy is a policy that protects neutrality, that defends neutrality, that takes up arms, if need be, for neutrality.

“ I must now ask the indulgence

of the committee to an important point in the discussion, I mean the declaration of the president in 1823. Not only as a member of the house, but as a citizen of the country, I have an anxious desire that this part of our public history should stand in its proper light.

“ Sir, let us recur to the important political events which led to that declaration, or accompanied it. In the fall of 1822, the allied sovereigns held their congress at Verona. The great subject of consideration was the condition of Spain, that country then being under the government of the Cortes. The question was, whether Ferdinand should be reinstated in all his authority, by the intervention of foreign force. Russia, Prussia, France, and Austria, were inclined to that measure; England dissented and protested; but the course was agreed on, and France, with the consent of these other continental powers, took the conduct of the operation into her own hands. In the spring of 1823, a French army was sent into Spain. Its success was complete. The popular government was overthrown, and Ferdinand re-established in all his power. This invasion, sir, was determined on, and undertaken, precisely on the doctrines which the allied monarchs had proclaimed the year before, at Laybach; and that is, that they had a right to interfere

in the concerns of another state, and reform its government, in order to prevent the effects of its bad example ; this bad example, be it remembered, always being the example of free government. Now, sir, acting on this principle of supposed dangerous example, and having put down the example of the Cortes in Spain, it was natural to inquire with what eyes they would look on the colonies of Spain, that were following still worse examples. Would king Ferdinand and his allies be content with what had been done in Spain itself, or would he solicit their aid, and was it likely they would grant it, to subdue his rebellious American provinces.

“ It was in this posture of affairs, on an occasion which has already been alluded to, that I ventured to say, early in the session of December, 1823, that these allied monarchs might possibly turn their attention to America. The doctrines of Laybach were not limited to any continent ; Spain had colonies in America, and having reformed Spain herself to the true standard, it was not impossible that they might see fit to complete the work by reconciling, in their way, the colonies to the mother country. And, accordingly, as soon as the Spanish king was completely established, he did invite the co-operation of his allies, in regard to South America. In the same month of

December, a formal invitation was addressed by Spain to the courts of St. Petersburg, Vienna, Berlin, and Paris, proposing to establish a conference at Paris, in order that the plenipotentiaries, there assembled, might aid Spain in adjusting the affairs of her revolted provinces. These affairs were proposed to be adjusted in such manner as should retain the sovereignty of Spain over them ; and though the co-operation of the allies, by force of arms, was not directly solicited—such was evidently the object aimed at.

“ The king of Spain, in making this request to the members of the holy alliance, quoted their own doctrines of Laybach ; pointed out the pernicious example of America ; and reminded them that their success, in Spain itself, had paved the way for successful operations against the spirit of liberty, on this side of the Atlantic.

“ The proposed meeting, however, did not take place. England had already taken a decided course ; for, as early as October, Mr. Canning, in a conference with the French minister in London, informed him distinctly and expressly, that England would consider any foreign interference, by force or by menace, in the dispute between Spain and the colonies, as a motive for recognizing the latter, without delay.

“ It is probable this determination of the English government was known here, at the commencement of the session of congress ; and it was under these circumstances, it was in this crisis, that Mr. Monroe's declaration was made. It was not then ascertained whether a meeting of the allies would, or would not, take place, to concert with Spain the means of re-establishing her power ; but it was plain enough they would be pressed by Spain to aid her operations ; and it was plain enough also, that they had no particular liking to what was taking place on this side the Atlantic, nor any great disinclination to interfere. This was the posture of affairs ; and, sir, I concur entirely in the sentiment expressed in the resolution, of a gentleman from Pennsylvania, (Mr. Markley,) that this declaration of Mr. Monroe was wise, seasonable, and patriotic.

“ It has been said, in the course of this debate, to have been a loose and vague declaration. It was, I believe, sufficiently studied. I have understood, from good authority, that it was considered, weighed, and distinctly and decidedly approved by every one of the president's advisers, at that time. Our government could not adopt, on that occasion, precisely the course which England had taken. England threatened the immediate recognition of

the provinces, if the allies should take part with Spain against them. We had already recognized them. It remained, therefore, only for our government to say how we should consider a combination of the allied powers, to effect objects in America, as affecting ourselves ; and the message was intended to say, that we should regard such combination as dangerous to us. Sir, I agree that the message did mean something ; that it meant much ; and I maintain, that the declaration answered the end designed by it, did great honor to the foresight, and the spirit of the government, and that it cannot now be taken back, retracted, or annulled, without disgrace. It met, sir, with the entire concurrence, and the hearty approbation of the country. The tone which it uttered, found a corresponding response in the breasts of the free people of the United States. That people saw, and they rejoiced to see, that, on a fit occasion, our weight had been thrown into the right scale ; and that without departing from our duty, we had done something useful, and something effectual, for the cause of civil liberty. One general glow of exultation—one universal feeling of the gratified love of liberty—one conscious and proud perception of the consideration which the country possessed, and of the respect and honor which belonged to it—perva-



ded all bosoms. Possibly the public enthusiasm went too far ; it certainly did go far. But, sir, the sentiment which this declaration inspired, was not confined to ourselves. In that very house of commons, of which the gentleman from South Carolina has spoken with such commendation, how was it there received ? Not only, sir, with approbation, but I may say, with no little enthusiasm. While the leading minister expressed his entire concurrence in the sentiments and opinions of the American president, his distinguished competitor in that popular body, less restrained by official decorum, more at liberty to give utterance to the feeling of the occasion, declared that no event had ever created greater joy, exultation, and gratitude, among all the free men in Europe ; that he felt pride in being connected by blood and language, with the people of the United States ; that the policy disclosed by the message, became a great, a free, and an independent nation ; and that he hoped his own country would be prevented by no mean pride, or paltry jealousy, from following so noble and glorious an example.

“ It is doubtless true, as I took occasion to observe the other day, that this declaration must be considered as founded on our rights, and to spring mainly from a regard to their preservation. It did not

commit us at all events to take up arms, on any indication of hostile feeling by the powers of Europe towards South America. If, for example, all the states of Europe had refused to trade with South America, until her states should return to their former allegiance, that would have furnished no cause of interference to us. Or if an armament had been furnished by the allies to act against provinces the most remote from us, as Chili or Buenos Ayres, the distance of the scene of action diminishing our apprehension of danger, and diminishing also our means of effectual interposition, might still have left us to content ourselves with remonstrance. But a very different case would have arisen, if an army, equipped and maintained by these powers, had been landed on the shores of the Gulph of Mexico, and commenced the war in our own immediate neighborhood. Such an event might justly be regarded as dangerous to ourselves, and, on that ground, to have called for decided and immediate interference by us.

“ But how should it happen, sir, that there should now be such a new-born fear, on the subject of this declaration ? The crisis is over ; the danger is past. At the time it was made, there was real ground for apprehension : now there is none. It was then possible, perhaps not improbable, that the allied

powers might interfere with America. There is now no ground for any such fear. Most of the gentlemen who have now spoken on the subject, were at that time here. They all heard the declaration. Not one of them complained. And, yet, now, when all danger is over, we are vehemently warned against the sentiments of the declaration.

“To avoid this apparent inconsistency, it is, however, contended, that new force has been recently given to this declaration. But of this, I see no evidence whatever. I see nothing in any instructions or communications from our government, changing the character of that declaration in any degree.

“I have but a word to say on the subject of the declaration against European colonization in America. The late president seems to have thought the occasion used by him for that purpose, to be a proper one for the open avowal of a principle which had already been acted on. Great and practical inconveniences, it was feared, might be apprehended, from the establishment of new colonies in America, having a European origin, and a European connection. We have a general interest, that through all the vast territories rescued from the dominion of Spain, our commerce might find its way, protected by treaties with governments existing on the spot. These views, and others of

a similar character, rendered it highly desirable to us, that these new states should settle it, as a part of their policy, not to allow colonization within their respective territories. True, indeed, we did not need their aid to assist us in maintaining such a course for ourselves; but we had an interest in their assertion and support of the principle as applicable to their own territories.

“I now proceed, Mr. Chairman, to a few remarks on the subject of Cuba, the most important point of our foreign relations. It has been said, that if Spain chose to transfer this island to any power in Europe, she had a right to do so, and we could not interfere to prevent it. Sir, this is a delicate subject. I hardly feel competent to treat it as it deserves; and I am not quite willing to state here all that I think about it. I must, however, dissent from this opinion. The right of nations, on subjects of this kind, are necessarily very much modified by circumstances. Because England or France could not rightfully complain of the transfer of Florida to us, it by no means follows, that we could not complain of the cession of Cuba to one of them. The plain difference is, that the transfer of Florida to us, was not dangerous to the safety of either of those nations, nor fatal to any of their great and essential interests.

Proximity of position, neighborhood, whatever augments the power of injuring and annoying, very properly belong to the consideration of all cases of this kind. The greater or less facility of access itself, is of consideration in such questions, because it brings, or may bring, weighty consequences with it.

“ Again ; it has been asserted, that although we might rightfully prevent another power from taking Cuba from Spain, by force, yet if Spain should choose to make the voluntary transfer, we should have no right whatever to interfere. Sir, this is a distinction without a difference. If we are likely to have contention about Cuba, let us first well consider what our rights are, and not commit ourselves. If we have any right to interfere at all, it applies as well to the case of a peaceable, as to that of a forcible, transfer. If nations be at war, we are not judges of the question of right, in that war ; we must acknowledge, in both parties, the mutual right of attack, and the mutual right of conquest. It is not for us to set bounds to their belligerent operations, so long as they do not affect ourselves. Our right to interfere in any such case, is but the exercise of the right of reasonable and necessary self-defence. It is a high and delicate exercise of that right ; one not to be made but on grounds

of strong and manifest reason, justice, and necessity. The real question is, whether the possession of Cuba by a great maritime power of Europe, would seriously endanger our own immediate security, or our essential interests. I put the question in the language of some of the best considered state papers of modern times. The general rule of national law, is, unquestionably, against interference, in the transactions of other states. There are, however, acknowledged exceptions, growing out of circumstances, and founded in those circumstances. These exceptions, it has been properly said, cannot, without danger, be reduced to previous rule, and incorporated into the ordinary diplomacy of nations. Nevertheless, they do exist, and must be judged of, when they arise, with a just regard to our own essential interests, but in a spirit of strict justice and delicacy, also, towards foreign states.

“ The ground of these exceptions is, self-preservation. It is not a slight injury to our interest ; it is not even a great inconvenience, that makes out a case. There must be danger to our security ; or danger, manifest and imminent danger, to our essential rights, and our essential interests. Now, sir, let us look at Cuba. I need hardly refer to its present amount of commercial connection

with the United States. Our statistical tables, I presume, would show us, that our commerce with the Havana alone, is more in amount than our whole commercial intercourse with France, and all her dependencies. But this is but one part of the case, and not the most important. Cuba, as is well said in the report of the committee of foreign affairs, is placed in the mouth of the Mississippi. Its occupation by a strong maritime power would be felt, in the first moment of hostility, as far up the Mississippi and the Missouri, as our population extends. It is the commanding point of the gulf of Mexico. See, too, how it lies in the very line of our coast-wise traffic ; interposed in the very highway between New-York and New-Orleans.

“ Now, sir, who can estimate, the effect of a change, which should place this island in other hands, subject it to new rules of commercial intercourse, or connect it with objects of a different and still more dangerous nature ? I feel no disposition to pursue this topic, on the present occasion. My purpose is only to show its importance, and to beg gentlemen not to prejudice any rights of the country, by assenting to propositions, which, perhaps, may be necessary to be reviewed.

“ But, it is said, that, in this, as in other cases, we should wait till

the event comes, without any previous declaration of our sentiments, upon subjects important to our own rights, or our own interests. Sir, such declarations are often the appropriate means of preventing that, which, if unprevented, it might be difficult to redress. A great object in holding diplomatic intercourse, is frankly to expose the views and objects of nations, and to prevent, by candid explanation, collision and war. In this case, the government has said, that we could not assent to the transfer of Cuba to another European state. Can we so assent ? Do gentlemen think we can ? If not, then it was entirely proper that this intimation should be frankly and seasonably made. Candor required it ; and it would have been unpardonable, it would have been injustice, as well as folly, to have been silent, while we might suppose the transaction to be contemplated, and then to complain of it afterwards.

“ Pains, sir, have been taken by the honorable member from Virginia, to prove that the measure now in contemplation, and indeed the whole policy of the government, respecting South America, is the unhappy result of the influence of a gentleman formerly filling the chair of this house. He charges him with having become himself affected at an early day, with what he is pleased to call the South American

fever ; and with having infused its baneful influence into the whole councils of the country.

“ If, sir, it be true, that that gentleman, prompted by an ardent love of civil liberty, felt, earlier than others, a proper sympathy for the struggling colonies of South America ; or that, acting on the maxim, that revolutions do not go backward, he had the sagacity to foresee, earlier than others, the successful termination of those struggles ; if thus feeling, and thus perceiving, it fell to him to lead the willing or unwilling councils of his country, in her manifestations of kindness to the new governments, and in her seasonable recognition of their independence ; if it be this, which the honorable member imputes to him ; if it be this course of public conduct, that he has identified his name with the cause of South American liberty, he ought to be esteemed one of the most fortunate men of the age. If all this be, as is now represented, he has acquired fame enough. It is enough for any man, thus to have connected himself with the greatest events of the age in which he lives, and to have been foremost in measures which reflect high honor on his country, in the judgment of mankind. Sir, it is always with great reluctance that I am drawn to speak, in my place here, of individuals ; but I could not forbear what I have

now said, when I hear, in the house of representatives, and in this land of free spirits, that it is made matter of imputation, and of reproach, to have been first to reach forth the hand of welcome, and of succour, to new-born nations, struggling to obtain, and to enjoy, the blessings of liberty.

We are told that the country is deluded and deceived by cabalistic words ! If we express an emotion of pleasure at the results of this great action of the spirit of political liberty ; if we rejoice at the birth of new republican nations, and express our joy by the common terms of regard and sympathy ; if we feel and signify, high gratification, that, throughout this whole continent, men are now likely to be blessed by free and popular institutions ; and if, in the uttering of these sentiments, we happen to speak of sister republics ; of the great American family of nations ; of the political system and forms of government of this hemisphere, then, indeed, it seems, we deal in senseless jargon, or impose on the judgment and feeling of the community by cabalistic words ! Sir, what is meant by this ? Is it intended, that the people of the United States ought to be totally indifferent to the fortunes of those new neighbors ?

“ Sir, I do not wish to over-rate, I do not over-rate, the progress of

these new states in the great work of establishing a well-secured popular liberty. I know that to be a great attainment, and I know they are but pupils in the school. But, thank God, they are in the school. They are called to meet difficulties, such as neither we nor our fathers encountered. For these, we ought to make large allowances. What have we ever known like the colonial vassalage of the states? When did we or our ancestors, feel, like them, the weight of political despotism that presses men to the earth, that religious intolerance which would shut up heaven to all but the bigotted? Sir, we sprung from another stock. We belong to another race. We have known nothing—we have felt nothing of the political despotism of Spain, nor of the heat of her fires of intolerance. No rational man expects that the South can run the same rapid career as the North; or that an insurgent province of Spain is in the same condition as the English colonies, when they first asserted their independence. There is, doubtless, much more to be done, in the first than in the last case. The work may be more arduous—it is not less noble, because there may be more ignorance to enlighten; more of bigotry to subdue; more of prejudice to eradicate. If it be a weakness to feel a strong interest in the success of

these great revolutions, I confess myself guilty of that weakness. If it be weak *to feel that I am an American*, to think that recent events have not only opened new modes of intercourse, but have created almost new grounds of regard and sympathy between ourselves and our neighbors; if it be weak to feel that the South, in her present state, is somewhat more emphatically a part of America, than when she lay obscure, oppressed, and unknown, under the grinding bondage of a foreign power; if it be weak to rejoice, when, even in any corner of the earth, human beings are able to get up from beneath oppression, to erect themselves, and to enjoy the proper happiness of their intelligent nature; if this be weak, it is a weakness from which I claim no exemption.

A day of solemn retribution now visits the once proud monarchy of Spain. The prediction is fulfilled. The spirit of Montezuma and of the Incas might now well say,

“Art thou, too, fallen, Iberia? Do we see  
The robber and the murderer weak as  
we?”

Thou! that has wasted earth and dared  
despise

Alike the wrath and mercy of the skies,  
Thy pomp is in the grave; thy glory laid  
Low in the pit thine avarice has made.”

Mr. Chairman—I will detain you only with one more reflection on this subject. We cannot be so

blind—we cannot so shut up our senses, and smother our faculties, as not to see, that in the progress and the establishment of South American liberty, our own example has been among the most stimulating causes. That great light—a light which can never be hid—the light of our own glorious revolution, has shone on the path of the South American patriots, from the beginning of their course. In their emergencies, they have looked to our experience; in their political institutions, they have followed our models; in their deliberations, they have invoked the presiding spirit of our own liberty. They have looked steadily, in every adversity, to the GREAT NORTHERN LIGHT. In the hour of bloody conflict, they have remembered the fields which have been consecrated by the blood of our own fathers; and when they have fallen, they have wished only to be remembered with them, as men who had acted their parts bravely, for the cause of liberty in the western world.

“Sir, I have done. If it be weakness to feel the sympathy of one’s nature excited for such men, in such a cause, I am guilty of that weakness. If it be prudence to meet their proffered civility, not with reciprocal kindness, but with coldness or with insult, I choose to follow where natural impulse leads, and to give up that false and

mistaken prudence, for the voluntary sentiments of my heart.”

The other members that participated in the debate, were, Messrs. Wickliffe, of Kentucky; Carson, of North Carolina; Barbour, of Virginia; Hamilton, and Carter, of South Carolina; Buchannan, Hemphill, and Ingham, of Pennsylvania; Houston, of Tennessee; Verplanck, of New-York; and Weems, of Maryland; in favor of the amendments. They were opposed, and the passage of the resolution, as introduced by the committee, advocated by Messrs. Powell and Archer, of Virginia; Wood and Garnsey, of New-York; Brent and Livingston, of Louisiana; Buckner and F. Johnson, of Kentucky; Wurtz, Markley, and Thompson, of Pennsylvania; and Reed, of Massachusetts.

After a discussion, which lasted from the 3d until the 21st of April, the question was taken on the amendments, in the committee of the whole; and the vote stood 99 in the affirmative, and 94 in the negative. The adoption of this amendment, in the committee, presented a different question for the decision of the house; and as many members doubted the constitutional power of the house, to interfere in this way with the executive department, they voted against the whole resolution; and it was rejected by 143 to 54. The bill



making the appropriation, was then taken up, and passed, by a majority of 133 to 61. The house having thus assented to the policy of the mission, by making the appropriation, measures were taken to carry it into effect; and orders were transmitted to Mr. Anderson, who was still in Colombia, to attend the Congress, which was to hold its first meeting in the month of June. In his way to Panama, he was unfortunately attacked, at Carthagena, by a malignant fever, which proved fatal, and deprived the country of an able and useful representative.

The delay that had been occasioned, by the long and protracted discussions, to which this measure had been subjected, in both houses, thus prevented any representation of the United States, in the first meeting of that assembly; it having been found impossible for Mr. Sergeant to prepare, in the short time which remained, after the decision of the house, before the meeting of the congress, for his departure; and the approach of the unhealthy season, having rendered his journey to Panama peculiarly dangerous.

The representatives of Peru, Mexico, Central America, and Colombia, met there on the 22d of June, and commenced their deliberations. Upper Peru, or Bolivar, had not then organized its go-

vernment, and was not represented; nor was the republic of Chili; the concurrence of its legislature not having been obtained to the nomination of the plenipotentiaries, in time to permit them to take their seats in the congress. The governments of England and the Netherlands, though uninvited, sent diplomatic agents, whose influence, no doubt, was felt in that assembly. These agents were not permitted to be present during the deliberations of the congress; but, from time to time, communications were made to them of the most important of their proceedings.

The body continued in session until the 15th of July, and after much discussion, concluded between themselves, as belligerents, a treaty of friendship and perpetual confederation, offensive and defensive, to which all other American powers might accede within the year. This treaty had for its object the augmentation of the naval force of the belligerents, which was to be carried into effect by Mexico and Colombia, the other states paying their contingents towards the support of the navy. Connected with this, was a provision for the gradual reduction of their land forces. The assembled plenipotentiaries seem to have entertained a well grounded jealousy respecting the large standing armies which had been kept up in

the new states, under the chiefs who still controlled them, as well as directed the civil affairs of their respective governments.

A convention was also concluded, fixing the quotas of the respective governments to the common defence, and an agreement concerning their employment. The treaties between the assembled powers were recognized and re-

newed, and the meeting of the congress, annually in time of common war, and biennially in time of peace, agreed upon. The next meeting was ordered to be held at Tacubaya, a village near the city of Mexico, in the month of February, 1827. Its proceedings more properly come within the occurrences of the ensuing year, and will be reserved for the succeeding volume.

## CHAPTER V.

*Bill to extend the Judiciary System—Proceedings in House—Defeated by the amendment of Senate. Annual Report of Secretary of Treasury. Report of Committee of Ways and Means. Appropriations for Fortifications—Support of Government—Army—Navy. Public buildings. Bill for relief of Revolutionary Officers. Francis Larche. Conclusion of Session.*

At the first session of congress after the adoption of the constitution, an act was passed for the organization of the judiciary of the United States. According to this organization, the supreme court consisted of six judges, who were to hold two stated terms at the seat of government in the year. They were also to hold circuit courts twice a year, with the assistance of the district judge of the district in which the court was held; two of the supreme court judges sitting with the district judge, as a circuit court. The United States, by this agreement, were divided into three circuits, and so continued until 1792, when it was found, that the duties of the judges of the supreme court were too burdensome, and the system was modified, so as to allow one of the judges to hold a circuit court with the district judge. This alteration gave them some relief, and the system continued without change, until the judiciary act of 1801; which reduced the number of the supreme court judges to 5, divided the United States into 6

circuits, and constituted circuit judges for those circuits in the place of the old judges, who were released from attending the circuits.

The next session of congress, this law was repealed, and the old system restored with a modification; which provided for a reference to the supreme court, in all cases in which the judges of the circuit court differed in opinion, and gave to the supreme court the power to assign the judges each to his particular circuit.

No farther alteration was made in the judiciary department, until 1807; when a new associate justice was added to the supreme court, for the purpose of attending the 7th circuit, then created out of the states of Ohio, Kentucky, and Tennessee. This was the first extension of the circuit system beyond the mountains; and no additional extension of the system has been made, notwithstanding the augmentation of population and business in the western states, had rendered some amendment necessary.

In those states, peculiar circum-

stances had brought a disproportionate quantity of litigation, before the tribunals of the United States. All their supplies of European articles, both necessary and ornamental, were obtained from the Atlantic states; and the sources of litigation from this intercourse alone, were numerous. The Atlantic creditors, naturally, preferred the federal courts, and a great quantity of the business of those courts, was derived from their controversies.

Another prolific source of their business, was to be found in the situation of the real estate in the western states. The title to all the land in seven of those states, was founded on grants either from foreign governments; from the United States; or from some of the old thirteen states, which formerly claimed a proprietary interest in those lands. In all these cases, any controversy concerning real estate, would be referred to the courts of the United States.

The questions, too, concerning the military bounty lands, and tracts belonging to non-residents, which had been sold for taxes, were all referred to federal jurisdiction.

These causes had crowded the docket of the western circuit court to such a degree, as to materially impede the course of justice, and to produce a delay almost equivalent to a denial of right. They were

causes peculiar to the western states, and the appropriate remedy was a local one. The augmentation of the United States' courts in the west, so as to correspond with the increase of population, and to clear from the docket the cases which had been for years waiting for decision, was the remedy proposed, and the only one adequate to remove the evil. This remedy necessarily brought with it an alternative, which, in the opinion of many, was an evil of equal magnitude—that of augmenting the number of the judges of the supreme court, or of relieving them from their circuit duties, and substituting circuit judges in their place. To propose to the western states, as a permanent arrangement, that the duties of the federal courts should be performed by district judges, as heretofore, would have been denying their claims to an equality with the older states. The choice, therefore, was between an augmentation of the judges of the supreme court; or an entire change of the judicial system.

In 1819, a bill was proposed, and passed the senate, to establish the circuit court system throughout the United States. This plan, however, was subject to the objections, that the judges of the supreme court, the tribunal for the final decision of all great constitu-

tional questions, would be deprived, of all opportunities of making themselves acquainted with the laws and local customs of the several states; and, that previous knowledge of the cases brought before that court, which is acquired by the judge who presides at nisi prius, and is now brought into the supreme court, by the circuit judges: and that the executive, released from the necessity of looking into the circuit, to supply any vacancy on that bench, would confine his choice to a more limited sphere, and impair the influence of the court, by neglecting local considerations, as well as its usefulness, by making a seat there, the reward of political services, instead of legal learning and talent.

These objections to the modification proposed in 1819, prevailed; and in order to satisfy the just expectations and demands of the western states, and to remedy the existing evils, a bill was brought forward in the house early in the session of this year, by the chairman of the judiciary committee, (Mr. Webster,) to create three additional judges of the supreme court, to hold circuits in the western states. By that bill, Ohio, Indiana, and Illinois, formed the 7th circuit; Kentucky and Missouri, the 8th; Tennessee and Alabama, the 9th; Louisiana and Mississippi, the 10th.

Great opposition was made to

the passage of this bill. Some opposed it on the ground that it would render the bench of the supreme court too numerous, and thus diminish the responsibility and impair the usefulness of the several judges. Others objected to the introduction of so many judges, at one time, from the west. It was well understood that dissatisfaction was felt in that part of the union, at some of the late decisions of the supreme court; and fears were expressed that, by the appointment of three new judges, these decisions would be reversed, and the law of the land unsettled. Objections of a party character were also started; growing out of the patronage which the passage of this bill would place in the hands of the executive.

The necessity, however, of providing some remedy, was so apparent, and no other being proposed of so unobjectionable a character, the bill reported by Mr. Webster was sanctioned in the house, by a vote of 132 to 59. In the senate, it was amended, by joining Ohio and Kentucky in one circuit, and placing Missouri in the circuit with Indiana and Illinois, and providing that each of the new judges should reside in his respective circuit. This alteration passed, by a vote of 32 to 4. Both the senators from Ohio, and one of the Kentucky senators, opposed this amendment.

Another amendment was offered, by Mr. Rowan, prohibiting the supreme court from declaring the constitution, or any law of a state, void or invalid, unless seven of the judges concur in that decision. This amendment, which struck at the fundamental principle, upon which all judicial and legislative questions are decided in this country; an amendment, which would have given to the minority of the court, the power to control the majority; and still worse, would have authorised that minority to sustain a single state, in an attempt to violate the constitution of the United States, was rejected by a vote of 21 to 20. The strong support which this proposition received in the senate, was asserted to be owing to the desire felt by a portion of the senate to defeat the bill, without directly opposing it. It was well ascertained, that no such principle could receive the sanction of the house; and it was advocated by some, with a view to clog the bill with this unacceptable provision. This object, however, was attained in another manner. The other amendment being made, the bill then received the sanction of the senate, and was sent to the house for concurrence. It there met with decided opposition. The whole delegation from Ohio, and all but three from Kentucky, opposed this alteration of the

circuits, on the ground, that in Ohio and Kentucky, there existed at present the evil complained of, in a greater degree, than in all the other western states: that those two states contained a greater population than any other circuit, and indeed, greater than in the three new circuits together: and that the litigation then depending, before the federal courts in Ohio and Kentucky, composed a greater docket, than the pending suits in all the other western states. These reasons prevailed, and the house divided; on the question of agreeing to the amendment of the senate, 110 against, and 60 in favor of the amendment. The senate, however, contrary to established usage, *adhered* to its amendment in the first instance, instead of *insisting* on it; and, subsequently, when the house, in the hope of adjusting the difference, asked for a conference between the two houses, and appointed conferees; the senate declined the conference, and the bill was lost.

An act altering the time of holding the supreme court, to the second Monday of January, so as to enable that court to hold a longer term, in order to dispose of the numerous appeals which had accumulated on its docket, met with a more favorable fate, and became a law.

In pursuance of an act of congress, the secretary of the treasury,

(Mr. Rush,) on the twenty-second day of December, transmitted to congress his annual report on the state of the public finances.

By this report, it appeared, that on the first of January, 1825, the balance in the treasury amounted to \$1,946,597. The actual receipts into the treasury during the three first quarters of the year, were \$21,681,444, arising from the following sources, viz :

Customs,	\$15,196,397
Public lands,	976,902
Dividends from the United States Bank,	367,500
Arrears of internal duties, and direct taxes, and incidental receipts,	98,886
Repayment of advances,	41,758
Loan under the act of May 26th, 1824,	5,000,000
The estimated receipts during the last quarter of the year,	5,100,000

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Total receipts, \$26,781,443

Expenditures during the three first quarters of the year, estimated at \$20,190,979, viz :

Civil, diplomatic and miscellaneous services,	2,098,525
Military service, including pensions, arrearages, Indian department, &c.	4,890,310
Naval service and building, &c.	2,127,156
Public debt,	11,074,987
Expenditures during the last quarter, were estimated at	3,253,000

Viz :—Civil, diplomatic and miscellaneous services,

	445,000
Military service, &c.	960,000
Naval service,	820,000
Public debt,	1,028,000

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Making the total expenditures for the year, \$23,443,979, and leaving a balance in treasury, 1st January, 1826, \$5,284,061. Of this balance, it appeared by the report, that \$3,500,000 were balances of appropriations previously made by congress, and that of the residue, viz, \$1,784,061; one million consisted of unavailable funds, having been deposited in banks, whose solvency is there considered doubtful.

The receipts for the year 1826 were estimated at \$25,500,000, viz :

Customs,	\$24,000,000
Public lands,	1,000,000



Bank dividends,		385,000
Miscellaneous and incidental receipts,		115,000
	Total,	\$25,500,000
The expenditures at		20,584,730
Viz:—Civil, diplomatic and miscellaneous,	\$2,032,454	
Military service, &c.	5,525,662	
Naval service,	3,026,612	
Public debt,	10,000,000	
Balance 1st January, 1827,		\$4,915,270
The exports of the year, ending Sept. 30th, 1825, exceeded		\$92,000,000
The imports,		91,000,000
<p>Of those exports, between five and six millions were domestic manufactures ; \$66,000,000 were of domestic production, and the remainder of foreign origin.—81,000,000 dollars of the exports, and \$86,000,000 of the imports were made in American vessels. The gross amount of duties accruing during the three first quarters of the year, exceeded \$25,500,000, and the debentures issued during the same time, \$4,489,710. The total amount of funded debt on the 1st of October, 1825, was \$80,985,537 ; which was composed of these items, viz :</p>		
Revolutionary debt, 3 per cents., redeemable at pleasure,		\$13,296,231
Subscription to the U. S. Bank, 5 per cent.,		7,000,000
Loans of 1813, redeemable in	1826,	16,270,797
Loans of 1814, do.	1827,	13,096,542
Loans of 1815, do.	1828,	9,490,099
One half of exchanged stock of 1825, redeemable	1829,	792,569
The other half of the stock do. do.	1830,	792,569
One third of exchange stock of 1822, do.	1831,	2,227,363
One third of do. do.	1832,	18,901
Loan of 1824, do.	1832,	10,000,000
Loan of 1820, do.	1832,	999,999
One third of stock, exchanged in 1822, do.	1833,	18,901
Moiety of stock, 1824, do.	1833,	2,227,363
The other moiety of stock, do.	1834,	2,227,363
Loan of 1821, do.	1835,	4,735,296
	Total,	\$80,985,537
Unpaid treasury notes,		16,600
Unredeemed Mississippi stock,		7,860

As by this statement, it appeared, that in the years 1826 and 1827, the ordinary resources in the treasury would be unable to discharge those portions of the public debt becoming payable in those years, the secretary recommended, that proposals should be authorised for a loan, to the amount of fifteen millions, (which he considered as the deficiency,) at 5 per cent., payable in 1829 and 1830.

In this manner, the treasury would be enabled to discharge those portions of the public debt, redeemable in 1826 and 1827, and to distribute the repayments upon years, when but small sums were made redeemable.

The committee of ways and means, in the house of representatives, to whom was referred this document, took a different view of the subject. They considered, that the time at which the loans were made redeemable, was fixed for the benefit of the government; and that it was not bound to redeem them at that time, but had the option of so doing, if it thought proper.

The modes of paying off the public debt were three, viz :—

1st. By paying the whole of any loan at one time. This was the mode ordinarily adopted; but, necessarily, occasioned an expenditure, on account of interest, by the

accumulation of large sums in the treasury.

2d. By a new loan, or exchange of stock, reimbursable at a period sufficiently remote to induce the loaner to reduce the rate of interest. This was the mode recommended by the secretary of the treasury.

3d. By applying the means of the treasury quarterly to the discharge of so much of the debt, as can be discharged by that surplus. This mode the committee thought preferable to either of the others. The committee, by applying the surplus in the treasury, at the end of the years 1826 and 1827, to the increase of the sinking fund, according to the act of 1817, made the deficiency of the treasury, to discharge the loans redeemable in those years, to be only \$8,351,803; being \$6,648,197 less than the estimate of the secretary. To redeem this sum in the years when it was redeemable, the committee did not think it expedient to make new loans, especially at that moment of severe pecuniary distress. It was doubted, whether money at a less rate of interest could be procured, and the saving to the government, by the exchange, would be less than that by partial payments made quarterly. The saving, by this latter mode, over that by an exchange of stocks, at 5 per

cent. would be \$481,934. This, however, was upon the supposition, that the receipts would exceed the estimates of the secretary. The committee were of that opinion; and, accordingly, reported against making any new loan, and recommended that the stocks should be redeemed quarterly, according as the state of finances would permit. To prevent that disappointment, to which the revolutionary pensioners had been constantly subjected, by the neglect of congress to pass the appropriation bills, a bill was introduced, at an early stage of the session, for the appropriation of \$1,576,290, for the payment of revolutionary and other pensions. This bill passed without much opposition, and the government was relieved from that censure, which is as sure to attach, to a tardy acknowledgment of a debt of gratitude, as to a total neglect of the claim.

On the 26th of January, the appropriation bill, for fortifying the coast, was taken up.

Mr. Kremer moved to strike out the first section of the bill. He said, he was altogether opposed to the system. It was extravagant; and he should prefer to apply the money it cost, to the discharge of the national debt. Upon calling a division upon his motion, he was the only vote in favor of it. Mr. Cocke, and Mr. Mitchell, of Ten-

nessee; Mr. Forsyth, of Georgia; and Mr. Floyd, of Virginia, opposed the passage of the bill: they thought the appropriations too large; and they disliked this annual expenditure on objects, to which they could see no reasonable limit.

Mr. M'Lane replied, that it was too late to raise an objection to the policy of fortifications. It had been adopted by the government, after much consideration, and was justified by every consideration of expediency, and by the experience of the last war. These fortresses, for which appropriations were asked, were already in a state of forwardness, and great expenditures had been made upon them. For their completion, an annual appropriation was requisite; and the sums asked in the bill were the least, that could be applied to enable the works to proceed with advantage.

Mr. Forsyth objected, that these appropriations were all for the north, or the southwest; and that none were made for Georgia or South Carolina. He could not consent to expend large sums, year after year, until he was satisfied as to their equal distribution, for the protection of all. He wanted more information, and to obtain, he moved for a postponement of the bill.

Mr. Pearce, of Rhode Island, replied, that these fortifications

were part of a grand system ; and that the government proceeded to fortify ports, as it was found to be necessary, and according to their relative importance. That he would cheerfully vote for the erection of works on the coast of Georgia, whenever the board of engineers should report in favor of such a step. He regretted that sectional feelings had been indulged in, on this subject.

Mr. M'Lane reminded the house of the manner in which this policy was adopted. Shortly after the close of the late war, a distinguished foreigner was placed at the head of the board of engineers. Examinations were made of the coast ; detailed reports were sent into congress ; and the information, required by the gentleman from Georgia, could be had by him upon examining the records of the house. These reports contain full and minute information, on every particular, to the smallest angle, and all the points and bearings, and even so far as to show, how the population of the country might

be concentrated, in aid of the fortifications. This system embraced all the most vulnerable points on the coast. New Orleans was to be defended, because of its vast importance to the commerce of the west. Boston, because it is an important port. The same reason applied to Newport and New-York. Delaware bay is an important inlet ; and so is the Chesapeake, which is, also, a rendezvous for our navy. These points were all to be fortified. The fortifications, at the adoption of the system, had been arranged into classes ; the most important works being arranged under the first class, and least important under the third class.

Those of the first class were intended to prevent an enemy from establishing himself, by means of a navy, in any strong position, in the country. Those of the second class, were designed to protect towns of the second class, which are already partially defended ; and those of the third class, were not to be recommended until the others were completed.

The fortifications named in the bill, were of the first class, and the following sums were asked for :—

Fort Adams, at Benton's Point,	\$100,000
Fort Hamilton, New Utrecht Point,	75,000
Fort Monroe, Old Point Comfort,	115,000
Fort Calhoun, Rip Rap Shoal,	80,000
Fort at Mobile Point,	90,000
Fort at Chef Menfeur,	85,000
Fort Jackson, at Plaquemine Bend,	90,000

Fort to be commenced at Bayou Benvenue, 90,000

There were other works enumerated in the first class, but it was not thought necessary to commence them at that time. These were the fortifications for the defence of Throg's Neck, and Tompkins' Point, in New-York, Dumpling's point, Rose Island, and the Dyke, over Narragansett passage, Boston harbor, and Portsmouth harbor.

Mr. M'Lane said, that there were also in the bill, appropriations for the continuance of a Fort at Bogue Point, viz : \$25,000

Do. at Oak Island, 30,000

For repairs and contingencies, 15,000

These two last forts were commenced by the department in consequence of appropriations made for that purpose, by congress. The works had been begun, and an increase of expense would be the necessary consequence of any delay in passing this bill. He hoped, if no better reason existed for its postponement, than want of information, that the house would not consent to it. The motion to postpone, was lost by a vote 110 to 51.

Amendments were made to the bill, adding \$2,500 for repairing fort Constitution, in Portsmouth harbor ; and \$17,000 for the purchase of a site, for a fortification, on Throg's point.

An amendment was also offered by Mr. Forsyth, appropriating \$10,000 for erecting a fort at Savannah ; but it was rejected as an improper departure from the general system.

The bill then passed both houses, without farther amendment.

When the bill making appropriations for the support of the govern-

ment for 1826, came under consideration, a motion was made by Mr. Floyd, to insert \$18,000 for an outfit, and year's salary, for a minister, to Central America. This was objected to, on the ground, that it was the intention of the executive, to reduce all the diplomatic agents at the new governments of Spanish America, to the rank of charge d'affaires.

Mr. Trimble observed, that, to the governments of Mexico and Colombia, ministers of the first rank, would, in all probability, be continued : but, that, in consequence of the wish of the governments themselves, on financial accounts, ministers of inferior grades, would be sent. The amendment was negatived.

An appropriation of \$500 for certain buoys ; one of \$100,000 for completing the public buildings ; together with one of \$1,000 to the reporter of the supreme court ; and one of \$2,000 for extra clerk hire, in the office of the surveyor, in Illinois, Missouri, and Arkansas, were

stricken out of the bill ; and an amendment, increasing the appropriation for surveying the public lands to \$74,132 was made to the bill, and was sent to the senate for concurrence.

In that body it was amended, by inserting \$7000 for additional contingent expenses of the senate ; \$5000 for the keepers of the public archives, in Florida ; \$1750 for additional clerk hire, in the war department ; restoring \$1000 for the reporter of the supreme court ; and \$2000 for the clerk hire, in the office of the surveyor of Illinois, &c. \$950 were also added, as a compensation to the chief Clerk, in the office of the fourth auditor, for performing the duties of his principal, during his last illness ; and an amendment to reduce the contingent expenses in the treasury department, from \$12,000 to \$6000. The house consented to all the amendments, but the two last. It disagreed to these ; and the senate having insisted on these amendments, the allowance of \$950 was agreed to by the house. A conference was proposed, as to the last item, which resulted in the senate's receding from its amendment. The bill was then passed.

Appropriations were made by this bill, of \$58,970 to pay the expenses of the legislative department of the government, in addition to

\$455,000 granted at the commencement of the session, and to \$150,000 for mileage ; \$244,400 for the judicial department ; \$574,500 for the executive department, including the expenses, of all the departments at Washington, and also, of the territorial governments ; \$241,500 for diplomatic intercourse, and \$312,500 for miscellaneous expenses. A farther appropriation was afterwards made of \$40,000 for the expenses of the Panama mission. Upon the military appropriation bill being called up for consideration, Mr. M'Lean moved to strike out an appropriation of \$6,500, for the purchase of 50 horses for the use of the military academy, which was inserted, under an impression, that the appropriation had been recommended by the board of visitors. This was an error ; and he therefore made the motion. The motion was agreed to. The bill was also amended, by reducing the general appropriation for arsenals, from \$36,700 to \$26,700 ; and appropriating \$15,000 for an arsenal to be erected at Vergennes. The appropriation for the repairs of Plymouth beach, was reduced from \$25,000 to \$13,184 13 ; and \$749 added for repairing the Cumberland road ; and \$18,000 for arrearages prior to 1817. The bill passed through its other stages, without opposition, and became a law.

By this law, the following appropriations were made for the military service of 1826 :

For the pay of the army,	\$994,407 75
Subsistence and forage,	324,620
Recruiting, and contingencies, in addition to unexpended balances of \$13,769,	14,602
Purchasing department ; clothing and woollens,	273,753 64
Quarter-masters, and hospital departments, and supplies to West Point academy,	\$344,514 16
Ordnance service,	65,000
Contingencies of army,	10,000
Arrearages prior to 1817,	18,000
Armories and arsenals,	402,700
Armament of new fortifications,	100,000
Repairs, and continuation of Cumberland road, Plymouth beach, deepening harbor of Presque Isle, and expenses of new surveys,	180,933 90
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Total,	\$2,728,531 45

The appropriations for the Indian department, which is a branch of the war department ; were for the pay of the

Indian agents,	\$43,000
Presents to the Indians,	15,000
Contingencies,	95,000

The other appropriations, made on account of the Indians, were as follows :

To defray the expense of making, and carrying into effect, the treaties made with all tribes, except the Creeks,	259,116 17
Do. with the Creek tribe, in addition to an unexpended balance of \$170,000, formerly appropriated,	317,600
To enable part of the Creeks to emigrate,	60,000
To relieve the Florida Indians,	20,000

In addition to the sums appropriated by the appropriation bill, for the military service, the sum of \$70,000 was appropriated for an arsenal in Georgia, near Augusta, and for internal improvement, the following sums :

For the repair of the post road between Jackson and Columbus, in Mississippi,	15,000
Do. between Chatahoochie and Line Creek, Ala.	6000



For the survey of a canal between the gulf of Mexico and the Atlantic,	20,000
For piers, buoys, light-houses, removing obstructions in harbors and rivers, &c.	308,255
For subscription to the Dismal Swamp canal,	150,000
For running the line between Georgia and Florida,	5000

When the bill making the appropriations for the naval service for 1826, was moved, Mr. M'Lane, the chairman of the committee of ways and means, moved to reduce the sum proposed for the African agency, from \$100,000 to \$32,000. This agency was established to return slaves, captured under the act "to suppress the slave trade," to their native country. The larger sum had been inserted in the bill, from the estimates of the department; but the committee had resolved to ask for a smaller sum. He did not intend to discuss the expediency of the system. He presumed that had been considered, when the house passed the law. If that law is to be repealed, congress would do it; but while it stands, the appropriation is necessary to carry it into effect. The committee is of opinion, that \$32,000 will be sufficient for that purpose, viz: \$2,800, salaries for the agents; \$8,000, for the support of the slaves on hand; and \$21,000, for the transportation of 420 negroes, now in the United States, to their native country.

Mr. Forsyth observed, that this agency seemed to be the beginning

of a colony, which was contrary to the intention of congress. He was not satisfied with the report on that subject.

Mr. Owen was also opposed to the appropriation, if it were to be employed as it had been. While the law remained a part of the law of the land, he would vote for the appropriation; but he wished it to be distinctly understood, that it was to be applied in a different manner.

Mr. M'Lane replied, that the sum was so small, as not to admit of any part of it being diverted, from the specific purposes of the appropriation. This was the object of the committee, in limiting the sum. He did not mean to enter into a discussion of the subject; but he thought, that the construction which the late president had put upon the law, was the correct one. The government could not get along with a less sum than that proposed, and he hoped the amendment would be adopted. It was then agreed to.

A motion was made to insert an appropriation of \$20,000, for a navy yard, at Baltimore.

Mr. Dwight objected to this

amendment; that the subject was already before another committee, and under consideration; and that it was well settled, that when a subject has been referred to a committee, it is not to be called up in the way of an amendment, until the report of the committee has been received.

The chairman of the committee (Mr. Markley) decided the amendment to be in order.

Mr. Dwight appealed from his decision; but before the question was taken on the appeal, the amendment was withdrawn, upon the suggestion of the speaker, who expressed an

opinion, that it was not in order.

In the senate, the bill was amended, by inserting \$10,000, for the survey of the harbors of Savannah and Brunswick, in Georgia, Beaufort, South Carolina, Baltimore, Maryland; and by dividing the sum of \$14,000 appropriated for contingencies, into two parts, viz: \$13,500; the purposes to which that sum was to be applied, were enumerated, and \$500 for other contingencies. These amendments were agreed to by the house, and the bill was passed.

The following appropriations were made by it, viz:

For pay, and subsistence, and provisions,	\$1,480,320 50
Repairs of vessels,	350,000
Repairs and improvements of navy yards,	170,000
Medicine and hospital stores,	45,000
Contingencies enumerated,	240,000
Do. not enumerated,	5,000
Survey of harbors,	10,000
Marine corps,	236,292 81
African agency,	32,000

By a subsequent act, farther appropriations were made for the following purposes, viz:

Building ten sloops of war,	350,000
Re-appropriations, which had been carried to the surplus fund, to the amount of \$122,794 42, for pay of laborers, superintendents, &c. ship houses, contingent expenses, suppression of piracy, &c.	

After the annual appropriations for the naval service had been made, a bill was introduced, by the committee on naval affairs, appropriating \$204,765, for an additional

naval force. Mr. Storrs said, that this addition was required, in consequence of the war, which had broken out between Brazil and Buenos Ayres. A paper blockade

had been declared, by the emperor of Brazil, of the coast, from Cape Horn to the river la Plata. Our East India trade, and our vessels from the Pacific, had to pass, in that direction, and great inconvenience, had already resulted from this state of things. Our trade, in that quarter, was without protection, and exposed to piratical depredations, as well as to injuries resulting from privateering. Nothing, but an increase of naval force, could protect our commerce. The estimates were for a frigate, and two sloops of war, to be in commission for nine months ; which was the least possible force.

Mr. Williams, of North Carolina, objected to this appropriation, if it were intended to remove that blockade. It might lead to worse consequences, than the Panama mission ; or any other measure before the house. He hoped the house would pause.

Mr. Storrs rejoined, that, this war between Brazil and Buenos Ayres, was concerning a territory on the eastern shore of South America, called the Banda Oriental. This territory was claimed by both parties ; and the people of Monte Video, had risen against the officers of the emperor, who would, of course, consider them as rebels. Privateers will be abroad ; and it is easy to see, that renegadoes, taking advantage of this state of things,

will assemble, on this coast, from all quarters, to depredate upon our commerce. Protection was requisite ; and it might be afforded, without bringing us into collision with any other power.

Mr. Cambreling was in favor of the appropriation, and suggested that the secretary of the navy should be empowered to order the North Carolina from the Mediterranean, to the coast of Brazil.

Mr. Webster observed that this detail belonged to the executive department ; and upon his suggestion, the bill was amended so as merely to make the necessary appropriation, and to leave the disposition of the force, to the executive.

The bill then passed.

The sum of \$55,000 was appropriated for building a penitentiary, and two jails in the district of Columbia, and \$131,565 for the public buildings in Washington. When the bill making this last appropriation was under discussion, Mr. Beecher, of Ohio, moved to strike from the appropriations, the sum of \$25,000 for furnishing the president's house. Mr. Forsyth said, that having built, at the public expense, a house for the chief magistrate, it was the duty of the public to furnish it in a corresponding style. He should have preferred, that the president should have been permitted to live where he pleased, and how he pleased, as a private

gentleman. He regretted certain publications of details, which had found their way into the public papers, and hoped the appropriation would be made. A modification of this amendment was finally made, so as to authorise the application of this sum to the purchase of new furniture, and to repair old.

A bill was introduced early in the session, making provision for the surviving officers of the revolution. During the summer, a strong feeling in their favor had been excited by the recollections, which the visit of La Fayette naturally produced.

As he passed through the country, all who remained of his companions in arms, thronged to greet their ancient leader, and to recall the memory of those scenes, where they had participated as well in the bitter trials and reverses of that bloody conflict, as in its glorious and successful termination. It was impossible to witness the meeting of these interesting relics of the war of independence, without a disposition to recompense them for their suffering and privations; and congress met under the influence of a general wish throughout the country, that some provision should be made for their declining years, or at least an ample remuneration for the depreciation of the currency in which they had been paid. This was a claim upon the justice, as the other was upon the gratitude of the

nation; and earnest memorials were forwarded to congress, setting forth the grounds of their claim in the most forcible terms. A bill was reported by a select committee to distribute \$1,250,000 among the surviving officers of the revolutionary army.

It was brought up for discussion at a late period of the session, April 24.

Mr. Estill, of Virginia, objected to the bill that no provision was made for the militia, and proposed a recommitment. Mr. Clarke, of Kentucky, thought provision should be made for the soldiers as well as the officers; and also for the surviving widows of the revolutionary soldiers. Mr. Alston, of North Carolina, said he considered the account as paid, and that he was unwilling to open a settled account. The grounds upon which the bill was supported, are set forth in a speech of Mr. Everett, of Massachusetts. To the objection of Mr. Alston, Mr. Everett replied,

“That he also was unwilling to open a settled account; but he could not consider an account as settled, until it was paid to the last farthing. He asked, how this account was paid? It was paid after a total bankruptcy of the country. He did not mean that remark by way of reproach: but he must say, that when the government settled with the army of the revolution, it was insolvent. The payment was

a paltry dividend of 2s. 6d. in the pound. Now we have grown rich and are rolling in wealth, our old creditor in the extremity of age, and often in want, comes and asks for a little relief out of our abundance. We tell him that we paid him forty years ago ; that we have his discharge in our pocket, and bid him begone. In the language of the gentleman from North Carolina, the account has been settled and paid, and we want to hear no more about it. Sir, I want to hear one thing more about it ; that it has been fully paid, and fairly settled.

“ It is objected that some of those for whom it provides relief, remained in possession of their certificates of final settlement, until they rose to their par value, or even above it.

“ I do not suppose that the number of the officers of the revolution who were thus able to reserve their certificates, and fund them at par, can be so considerable as to make it important to take their case into special consideration. But be they few or many, I am not prepared to allow, that even they ought, as a matter of justice, to be shut out from the provisions of the bill. They were entitled to money or available securities. You gave them no money, and securities worth but an eighth of their nominal value. They had, perhaps, a pitance which enabled them to live

from day to day, without sacrificing their certificates at the market value. These they reserved, not knowing that they would eventually be worth the paper on which they were printed. They speculated in their own funds ; not voluntarily, but by compulsion : and I cannot think that their having done so, (unquestionably in very few cases, of which it does not appear that any one is among those now presented to our consideration,) ought to form a reason for excluding them, far less all the other surviving officers, from the benefits contemplated by this bill.

“ It has been made an objection to this bill, that it tends to enlarge the pension system of the United States. Sir, nothing is more decidedly in opposition to a republican policy, not merely than the enlargement of a pension system, but than the existence of any thing which could be properly called by that name. But is the fair compensation, for services rendered, to be called by the odious name of a pension ? Sir, pass this bill, adopt the amendment of my honorable colleague, (Mr. Reed,) give the survivors of the revolution all they ask, and ten times more than they ask, and which generation will still be in arrears ; we to our fathers, or they to us ; which will have done the most for the other ; they, in achieving by their toils, and blood, the independence we enjoy, or we in solacing

their age by these poor gratuities ; which generation is dependent on the bounty of the other ; which is the pensioner of the other ?

“ Sir, it is said that other classes suffered as much as those for whom relief is now asked ; that the distress and privation were general ; and that the army bore no more than its share in the common calamities. There was suffering enough on all sides, heaven knows ; and it fell, it is true, not less on the citizen at home, than on the soldier in the camp. But the army, in suffering as such, was not exempt from its share of the general calamity. They did not cast off the character and relations of citizens. No, sir ; while they were suffering all the hardships of the camp and of the field, they were, also, suffering in all their interests at home, in common with the rest of the community. They belonged to a class of society whose personal attendance, labor, and care, are their chief property. What brings the most grievous distress, on such a class of society ? Not the fluctuations and obstructions of the market, for they produce very little that goes to market ; not the failure of crops of great staple products, which do not depend upon the presence or absence of an opulent proprietor. No, sir, the citizens of this class are most distressed when an industrious

member is called away from the little circle—when an active son or brother is lost to the aged father or helpless sisters, who depend on his aid to carry on the frugal operations of that domestic industry which is necessary to the common subsistence and comfort. The absence from home of those most needed, in this way, was one chief cause of that general wreck of small fortunes, which was one great feature of the universal distress. I myself, sir, know families, from which, not one alone, but two, and even three, who were most wanted at home, were yielded to the common cause ; from which when Joseph was not, and Simeon was not, the voice of a bleeding country called Benjamin away also : And however great the sacrifice, the call was obeyed, as is well known from many a touching anecdote of those eventful times.

“ Yes, sir, the spirit of the day was equal to its trials ; but let us not talk of the soldier as exempt, in any degree, from the common suffering of the citizen ; when the fact, that he was absent from home in the army, might be the heaviest blow to the prosperity of his family, and to his own prosperity as a member of it. It deserves, also, to be recollected, that the sufferings of the country, after the close of the war, were probably more severe, on the whole, than during

its continuance. The burdens of the war were then consolidated on society; a considerable source of wealth, the expenditure of the foreign troops, was dried up; the ardor of the contest was gone, and ruin came home to almost every door. Tradition can tell us of instances, where the farmer's oxen were unyoked by the tax-gatherer from the plough. Such was the state of things which drove a portion of the citizens of my own state to madness—such was the condition of the homes to which those, who had borne the hardships and perils of the war, too often returned. Let us not, then, imagine, sir, that the army, in the midst of its peculiar privations, was in the least degree, spared from its portion of general calamity.

“It is said, that the relief which this bill provides for the surviving officers of the revolution, is a premium on old age. Sir, that expression sounds harshly to my ear. The term *premium*, when thus used, reminds me of those measures in political economy which are resorted to, in order to stimulate production. We say, that heavy duties on foreign fabrics, are a premium on domestic manufactures—that injudicious alms-giving is a premium on pauperism. The provisions of this bill are not to have the effect, of multiplying the numbers of the aged and venera-

ble persons, to whom it looks. Sir, they are dropping fast into the grave; your bounty will come too late to produce that effect upon them, which, at an earlier stage, might have enabled them to bid defiance to the various foes of life. The most it can do, will be to soothe their decline. At all events, it will not increase their number; and considering who they are, I would rather call it a solace and a comfort, than a premium for old age.

“I am sorry, sir, that we cannot go farther at this time; that in making provisions for the surviving veteran, we cannot also make provision for the widow and children of those, who are deceased. But, sir, we must be contented to do what good we can, and not refuse to do any good, because we cannot do all good. The case of the survivors, is a case by itself; it has been investigated;—their number is nearly ascertained;—and the appropriation proposed, is calculated to afford a certain relief to those who share it.

“There is one consideration, Mr. Chairman, which, as often as I have revolved this subject in my mind, has seemed to call upon us, for very shame, to do something for these men. It is this, that liberal provision has been, and continues to be, made by the English government, for those, who, in that



country, are called American loyalists—in this country, refugees and tories. Sir, I have myself seen the contrast to which I allude. Gentlemen all know, that the provision for the American loyalists still forms an item in the annual budget in Great Britain; that a portion of the bounty is dispensed in this country; while, even in his amendment, my worthy colleague has thought it necessary to make residence in the United States, a condition of receiving this late and poor provision. I do not object to this: practically, I presume it will deprive no one of what he would otherwise receive; but I would willingly have emulated the bounty, which knows how to pursue its rightful objects to the end of the earth.

“Sir, if this act of grateful justice is ever to be performed, now is the time for its performance. The present year completes the half century since the declaration of independence; and most devoutly do I hope, that when the silver trumpet of our political jubilee sounds, it may be with a note of comfort and joy, to the withered heart of the war-worn veteran of the revolution. Our tardy provision, will indeed come too late to help him through the hard journey of life; but it will not come too late to alleviate the sorrows of age, and smooth the pillow of decline. Sir, it is the

fiftieth year of our independence. How much we shall read, how much we shall hear, how much, perhaps, we shall say this year, about the glorious exploits of our fathers, and the debt of gratitude we owe them. I do not wish this to be all talk. I want to *do* something. I want a substantial tribute to be paid them. Praise, sir, is sweet music both to old and young; but I honestly confess, that my mind relucts and revolts, by anticipation, at the thought of the compliments, with which we are going to fill the ears of these poor veterans, while we leave their pockets empty, and their backs cold. If we cast out this bill, I do hope that some member of the house, possessing an influence to which I cannot aspire, will introduce another, to make it penal to say a word on the fourth of July, about the debt of gratitude, which we owe to the heroes of the revolution. Let the day and the topic, pass in decent silence. I hate all gag-laws; but there is one thing I am willing to gag—the vamping tongue of a bankrupt, who has grown rich, and talks sentiment, about the obligation he feels to his needy creditor, whom he paid off at 2s. 6d. in the pound.

“Mr. Chairman—We have heard much, of late, of the Washington policy. In the recent discussions on a great national question, this

policy was declared, on all sides, to be the only safe rule for the administration of our foreign affairs. Whithersoever it led us, we were all willing to go; wheresoever it left us, we all professed to stop—on no side of the house, was there a question, whether we should adhere to it, or depart from it: the only question was, whether it did, or did not, authorise, without limitation, the measure proposed. I should be glad, indeed, to know, what part of the Washington policy stands more deeply impressed on every record, that remains to us from the father of his country, than the duty of providing for these, his surviving brethren in arms. Where, sir, in all the memorials of that great man, will you find any injunction of neutral policy, any admonition against entangling alliances, expressed in language more strong, than that in which he enforces the claim which is now before you? ‘If, (said he,) besides the simple payment of wages, a farther compensation is not due to the sufferings, and sacrifices of the officers, then have I been mistaken indeed. If the whole army have not merited, whatever a grateful people can bestow, then have I been beguiled by prejudice, and built opinion on the basis of error. If this country should not, in the event,’ (—in the event, Mr. Chairman, and when at length it should possess the means,)

‘perform every thing, which has been requested by the late memorials to congress, then shall my belief become vain, and the hope which has been excited, void of foundation. And if, as has been suggested, for the purpose of influencing their passions,’ (for, sir, it did not enter into the mind of Washington, to conceive that the Newburgh letters were to prove prophetic,) ‘the officers of the army are to be the only sufferers by this revolution; if, in retiring from the field, they are to grow old in poverty, wretchedness and contempt; if they are to wade through the vile mire of dependency, and owe the miserable remnant of that life to charity, which has hitherto been spent in honor, then I shall have realised a tale, which will embitter every moment of my future life. But I am under no such apprehensions; a country rescued by their arms from impending ruin, will never leave unpaid the debt of gratitude.’

“Now, talk to me, sir, of the policy of Washington. What! are we going to follow it by halves? Are we going to laud and adopt it, when it is cautious and reserved; to repudiate and trample on it, where it is generous and great? Sir, it is with his policy, as it is with his character. Its excellence and grandeur consist in the harmonious mixture of its opposite

qualities. What was it that raised the man to that elevation, on which no other mortal ever stood? It was the lion-hearted valor, which qualified his Fabian prudence; the god-like generosity, which went hand in hand with his pristine temperance and frugality. Disjoin this matchless compound of virtues;—take from either of his strongly marked characteristics, the opposite quality which balanced and chastened it; and you bring him down to the common level of humanity; and make of him no more than a common great man. It is so with his policy. Sift out from all his lessons, the prudent and dissuasive; listen to his voice then, and then only, when he warns you against following the impulses of enthusiasm! and shut your eyes, and shut your ears, and shut your hearts, when he bids you be generous and liberal, and you make a policy, sir, of which I have no ambition to be a disciple.”

Notwithstanding these powerful arguments the opposition, manifested on the part of those states, whose quotas to the continental army were small and seldom filled, was strong enough to prevent the passage of the bill; and a motion to recommit the bill, for the purpose of ascertaining the number of the revolutionary officers, who ought to be provided for by law; and the amount necessary to make such

provision, and the manner in which it should be made; was carried by a vote of 90 to 85. This disposition of the bill, of course prevented its passage at that time. The bill was subsequently reported with the necessary information, but too near the close of the session, to permit any attempt to bring it under consideration. It consequently remained with the unfinished business on the table.

A bill for the relief of one Francis Larche, which had passed the senate, produced some excitement in the house among the members from the southern states; on account of the principle upon which the committee of claims recommended its rejection.

The claim was for the value of a slave belonging to the petitioner, impressed by order of General Jackson, and killed by a cannon shot, while working on the lines.

The committee reported against the claim, on the ground, that the emergency justified the impressment of every moral agent, capable of contributing to the defence of the place; that men were wanted, and in that capacity, the master and the slave were put in requisition; the parent and his child, and his hired servants, as they were in other parts of the country, where the population had fought and died in the public defence, without having their lives valued, or compen-

ated for in money. For these reasons, the committee recommended the rejection of the claim.

When this report came before the house, Mr. Owen, of Alabama, moved to recommit the bill, with instructions to report the evidence, and to reverse the principle in the first report.

On the discussion of this motion much excitement was manifested ; but the mover having modified his resolution, so as to ask only a report of the evidence on the claim, the motion was agreed to. Those who spoke against the report, contended, that the slave had not been impressed as a moral agent, but as property ; and, as the property had been destroyed, the government was bound by the constitution, to make compensation for its loss.

The subject was not again brought before the house, during the session.

The first session of this congress closed on the 22d day of May, 1826. It was a long session ; but was not distinguished by any important measures, excepting the sanction given to the Panama Mission. Nearly all the propositions which were called for by the public voice, were defeated, either from want of time for their consideration ; or by an influence, which seemed to exert itself for the sole purpose of rendering those, who administered

the government, unpopular. The community was generally disappointed as to the results of the session. When congress first assembled, but little was known of the materials of which it was composed, and great curiosity was manifested to ascertain the sentiments of those, who were not committed, either to support or oppose the administration. Many of the members were new in political life ; and of those, who had been long before the public, there were many, who professed a willingness to judge the administration according to its measures. Others were predetermined on opposition, and, from the first assembling of congress, devoted themselves to thwarting the measures, which its friends urged upon the consideration of congress. The vice president and his friends were most prominent in this class of politicians ; and from the station held by that gentleman, as president of the senate, he was enabled to give consistency and character to the course adopted by the opposition. By the rules of the senate, he was empowered to appoint all the committees, and in the exercise of that power, he was careful to appoint a majority of those, who were known to be unfriendly to the administration, upon most of the important committees. To so great an extent was this hostility manifested, that the majority of the

committee on Indian affairs, to whom the Creek controversy would be necessarily referred, was composed of those, who sustained the governor of Georgia in his extraordinary course; although when the treaty against which they had reported, came before the senate to be ratified, the members who made the majority of that committee, were found in a minority of 7 against 30.

Committees thus selected, necessarily, brought in reports unfavorable to the measures supported by the friends of the government, and whilst these reports gave authority, and an extensive circulation to the principles of the opposition; the senate was compelled, either to reverse them, or to place itself in opposition to the other branch of the legislature.

The inconvenience of this state of things, induced the senate, at the latter part of the session, to take from the vice president, the power of appointing the committees. It was, however, too late to remedy the evils which had been produced by the attitude, that the senate had been forced to assume, with respect to the executive, as well as the popular branch of congress. Although the opposition, which before the end of the session, had taken a decided character, did not form a majority of that body; still it was strong enough, especially when supported by the reports of the commit-

tees, to retard the progress of business, by protracted debates, and proposed amendments, so as to prevent the passage of many important bills. In many instances, these amendments entirely defeated the bills. The judiciary bill was destroyed by an amendment, which the house deemed inadmissible; and the bankrupt law was laid upon the table, in the senate, because too much of the session had been consumed by previous debates, to permit the consideration of that important subject. The same cause prevented the departure of the commissioners to Panama, in time to attend the first session of that congress; but the evils, which might have followed from this omission, were averted, by the comity of the powers there assembled, in adjourning the congress, to meet the winter following, at Tacabaya.

By the course which the opposition adopted, public attention was strongly attracted to the proceedings of the two houses of congress, and though some pride was felt at the talent displayed, on both sides, the general impression, was, that of mortification and disappointment. While some speeches manifested both thought and eloquence; the greatest portion evinced bad taste, and unsound argument. The manner, too, in which the opposition attacked the administration, displayed an exasperated feeling, in

which the community did not sympathize, and a general suspicion was felt, that its leaders were actuated by private griefs, and that the public interests were neglected, in this earnest struggle for power.

The pride of the country, too, had received a deep wound, in the prostration of the dignity of the senate. This body had always before, preserved a high character for dignity and talent. Whatever was thought of its political sentiments, or the effect of its votes, no one questioned its

high moral and intellectual character. It was composed of men of a grave age, chosen by the state legislatures, and holding their offices independent of the immediate impulse of popular feeling, and a proportionate degree of regret was felt, at the loss of influence which was produced by the occurrences of the session. The session closed to the general satisfaction of the country ; and with an universal wish, that the next session might be devoted to business.





## CHAPTER VI.

**WEST INDIES.—European Colonies.—British West Indies.—Order in Council.—Proceedings in Jamaica—Cuba—Political Condition—Government.—Hayti—its Government—French Ordinance—Nature of it—Accepted by Boyer—Loan—Disturbances—State of Hayti.**

We have already stated at large, in the introductory chapter, that only half a century has elapsed, since the history of America was nothing but the history of European colonies. Now but a small portion of the world, either in extent, in wealth, in value, or in population, is dependant upon any foreign state. On the continent of America, we have all shaken off the fetters of transatlantic rule, save the inhabitants of the small remaining British possessions at the north, and of the still smaller European dependancies within the tropics. Omitting these, because, presenting few independent political facts for our consideration, we shall confine ourselves, in this chapter, to the most important of the West India islands, including Hayti.

In order to understand the questions concerning the condition of negroes, the principal subject of agitation in the **BRITISH WEST INDIES**, it is necessary to advert to the famous order in council, designed for the improvement of their black population. Believing that

their situation was capable of being changed for the better, without invasion of the rights of proprietors, or endangering the tranquillity of the colonies, the British ministry, in 1823, proposed certain measures for that purpose; intending to operate upon the negroes gradually, and opposed to the wild schemes of precipitate emancipation, urged by some short sighted zealots. In Grenada, St. Vincent's, and St. Christopher's, the suggestion of the ministers were respectfully received; but in Dominica, Tobago, Barbadoes, and Jamaica, the colonial legislatures manifested symptoms of opposition to the wishes of the government. It was, therefore, deemed best to try the plan in one of the conquered colonies, they being exclusively under the control of the crown. Trinidad was fixed upon for the experiment. Accordingly, an order in council was issued, March 10th, 1824, containing a mass of regulations for the slave population of that island; and which may be taken, as exhibiting a correct

idea of the system contemplated for the others.

By this order, a person was to be appointed *protector* of the slaves, who should act as the guardian of their welfare, as for instance, in suits wherein they were interested. All markets were to be discontinued on Sunday; and no slaves to be employed in labor, between sunset on Saturday and sunrise on Monday. No females were to be flogged in any case; and the punishment of whipping males was confined, to cases of an offence committed; being forbidden, as an inducement to labor; and strict regulations were provided, to prevent abuse in the employment of whipping, as a punishment. To encourage marriages, it was ordered, that under suitable restrictions, they should be solemnized in the forms of religion; and that in making sales of slaves, husband and wife should not be separated from each other, nor from their children. Various facilities were established, for enabling slaves to accumulate property; and as a consequence, a slave was authorised to purchase his own freedom, or that of his wife, child, sister or brother; and if he and his master could not agree on the price of his emancipation, the protector was to arbitrate between them. Finally, the oath of a slave was made admissible, subject to certain quali-

fications, in all civil actions not affecting the interest of his master, and in all criminal cases not reaching the life of a white person.

The humane regulation of this new *Code Noir*, extended to Demerara, Berbice, and St. Lucie, as well as Trinidad. Mr. Canning declared it to be the intention of government, to extend their plans of improvement to the other colonies; not precipitately, nor by force; but by the slow and silent course of temperate, but authoritative admonition.

With such enlightened views, have the ministry commenced. Many difficulties, however, stand in the way of effectually introducing the contemplated reforms. In England, all practicable plans of improvement are liable to be defeated, on the one hand, by the uncalculating zeal of men, who seem to be utterly regardless of the property and lives of the whites, in their ardor for the good of the blacks, and on the other, by the friends of the West Indians, and by the West India proprietors residing in England.

A majority of well informed persons, who are unprejudiced in the question, see the desirableness of elevating the condition of the blacks, not merely on the score of considerations of humanity; but for the preservation and security of the colonies themselves. Fifty

years ago, the whites might have little cause to apprehend the probability, or the consequences of an insurrection, compared with what they now have. Hayti has arisen in the midst of the West Indies, and given them a terrible example of what the infuriated blacks may possibly do, should any unforeseen accident place arms in their hands, and create hostility between them and their masters. On the neighboring continent, too, a family of new republics, have sprung into being, who do not encourage the institution of personal slavery; nay, whose most effective troops are oftentimes composed of the African races. Sound policy, therefore, dictates the propriety of placing the condition of the blacks on such a footing, that, neither trodden into the earth by oppression, nor filled with impracticable ideas of liberty, they may have such a stake in the community as to make sure of their obedience to a just and firm, but not capricious authority.

Little progress was made in 1825, towards procuring the adoption of the plan which we have explained, by any of the colonial legislatures. They refused, for instance, to relinquish the use of the whip as a stimulus to labor; to abolish Sunday markets and Sunday labor; or to give their slaves opportunity of religious instruction. Representations also went to the

metropolis, from some of them, of the apprehended injurious effects of the discussions on the subject in parliament.

Nor was much more accomplished during the last year. Indeed, ever since the first promulgation of the plans devised by the mother country, for meliorating the condition of the blacks, a wordy warfare has been kept up between the colonial legislatures and the ministry, which forcibly recalls to mind the stamp-act remonstrances of the early stages of our revolution. Without copying the resolutions of all the islands, it will be sufficient to exhibit what Jamaica, the largest of the islands, has done.

The colonial house of assembly adjourned in December, after an unusually long session; and, it is said, in perfect good humor with the duke of Manchester, the governor; both parties feeling desirous of preserving harmony, between the colony and the government at home. But some of the acts of the session indicated a decided hostility to the projected reform. We pass over the temporary refusal of the legislature to provide means, for paying the custom-house officers their salaries, in consequence of which, the duke gave orders for the temporary collection of additional duties. We pass over, also, some minatory resolves of comparatively small mo-

ment, to relate a vote, which, affecting the prominent subject of discussion in the colonies, probably spoke the sentiment, not of Jamaica alone, but of her sister islands.

The assembly unanimously voted for a memorial to be addressed to the king, praying him to interpose his authority, and save the colonies from ruin, by preventing the introduction of measures, totally inconsistent with their internal government, and incompatible with the welfare and happiness of all classes of their population; and farther, entreating him, that, if such measures were again to be submitted to them, a definite pledge of equitable compensation for the sacrifice of their property should be given, previous to demanding their compliance.

Certain it is, the colonists are so far in the right, that infinite precaution is necessary, in touching the condition of the black population. Legislators living a thousand leagues off, amid different institutions, & different people, and with no practical knowledge of the subject, may imagine they are very philanthropic, when they are, in truth, only enthusiastic. Ere the British parliament undertake to force upon the colonies a system of slave laws, which the colonial legislatures declare to be fatal to their security; it may be

discreet in them to pause, and obtain minute information on the subject.

CUBA, until very recently, was the great rendezvous of Spanish forces, for the purpose of aggressive warfare against the insurgent colonies. But its policy is now changed. Spain having been deprived of all her territory on the continent, by the surrender of the castle of Callao, in the Pacific; and of St. Juan de Ullua, the last strong holds of her power; lost all the means of successfully undertaking offensive operations, even if she could have commanded the requisite resources of troops and money. Completely prostrate, at home, by means of intestine convulsions, she was far from having the ability to be any longer formidable to the new Spanish American nations. On the contrary, the question with her now, was to preserve Cuba and Puerto Rico, from the fate of the continental colonies.

Those islands, owing to peculiar circumstances, indicate no general desire to separate from the mother country. Possessing freedom of trade, their condition is flourishing; and their inhabitants have, on the whole, much risk of loss, to balance what they might gain, by a revolution. The authority of Spain attached to them

but slightly. Their government is, indeed, as mild, probably, as their condition will admit. Its greatest fault, perhaps, is that it has not had the power, or having the power, had not the inclination, to repress many outrages, which would never have been suffered to exist under a firmer and better government. Hence the prevalence of piratical expeditions, in which too many of the inhabitants were concerned; as well as of voyages to the African coast, for slaves, in violation of Spanish treaties with England.

The majority of the population seems, therefore, content with subjection to Spain; and such of the Creoles as are anxious for independence, have to yield to the superior numbers and greater power of the royalists, whether Creoles or Spaniards. Besides, none can fail to appreciate the danger of a rising among the blacks, if the island should be shaken by civil war.

In the mean time, however, the disaffected in these islands, appear to have kept up a constant correspondence with the independents in Colombia and Mexico. These two governments, naturally desire to see Cuba and Puerto Rico in their own hands; especially, so long as their independence remains unacknowledged by Spain. Hence expeditions against the islands have been constantly a subject of consideration among the patriots.

Colombia has more than once been confidently supposed, to be fitting out squadrons against Cuba. Mexico has twice been publicly preparing forces for a descent; and even suffered her intentions, to be the topic of parliamentary discussion in her congress. Finally, the invasion of Cuba, it is well known, was an important object of consideration in the congress of Panama.

In the United States, the matter is one of hardly less interest, than it is to the immediate parties themselves. Cuba is the key of the gulf of Mexico. Its contiguity to the coast of Florida, and its position as respects the Mississippi, make it of vast importance to us, that no foreign power, capable of being unfriendly to us, should gain possession of it. Our commercial intercourse with it, in its present political situation, is also immense; and there is no great cause to believe, that we should be any better off in this respect, were Cuba independent. We should certainly be greatly prejudiced in our trade, if it were occupied by France or England. Farthermore, we sustain numberless inconveniences by the continuance of a war at our very doors.

Hence the United States, feeling that, for them, no change is desirable, in the political or commercial condition of Cuba and Puerto Rico; have used the great-

est exertions to secure the islands to Spain, on proper conditions. Early in 1825, they made overtures to Russia and France; having for their object, to procure an acknowledgment of the independence of the American republics, on the basis of guaranteeing to Spain, the possession of Cuba and Puerto Rico. These overtures of our government appear to have been well received. All our information from Europe authorise the belief that the great powers were favorably inclined towards peace, and would, separately or conjointly, give pacific counsels to Spain. It will be understood, of course, that our ministers at Madrid, Mr. Nelson and Mr. Everett, were not backward in urging Spain to desist from a contest injurious to her, and desperate in itself, by all the most conclusive arguments.

Under these circumstances, when it was generally and confidently rumored in the United States, during the last winter, that Colombia and Mexico were fitting out a joint expedition against Cuba; our government communicated to the ministers of those republics, the negotiation which it was carrying on in Europe; and urged upon them the expediency of suspending the contemplated invasion, in the actual posture of affairs. This recommendation coupled with other causes, undoubtedly had the de-

sired effect, and induced Mexico and Colombia to delay any attack, which they might have contemplated, upon Cuba and Puerto.

What influence the late events in Colombia and in Europe, may have upon the critical condition of those islands, it is vain to conjecture. Our government could never see them pass into the hands of France, or of England, with indifference; and it is to be hoped, that the united efforts of Europe and the United States may end in giving peace to Spain, and stability of political condition to Cuba.

Its affairs are said to be well administered by the captain-general, D. Francisco Dionisio Vives. Its whole population is about a million; and its revenue may be estimated from that of Havana, which amounted, in the year 1824, to 3,025,300 dollars. Under the efficient management of the Intendant, Pinillos, the finances are said to be in a flourishing condition, and have furnished the means of defraying several expensive out-fits of the Spanish squadron; and the demands for the support of the army, fortifications, and local government. In addition to the large naval force, now stationed at Havana, a line of battle ship, and several smaller ones, destined for Cuba, are said to be now in preparation at home, out of the exhausted resources of Spain. Apprehensions

from the enterprise and energy of Com. Porter, who upon leaving the service of the United States, entered into that of Mexico ; may probably hasten their equipment.

Next to Cuba, none of the West India islands has, deservedly, commanded more attention, in the United States, than HAYTI. Under the mild and judicious government of Rigaud, Petion, and Boyer, the inhabitants of the south and west sides of the island, long enjoyed a life of contentment, daily increasing in riches and information ; while the Spaniards continued to hold the eastern part ; and Christophe ruled in the north with a rod of iron. The insurrection of his subjects, who could not but contrast the rigor of his government, with the mildness of his republican adversary's, compelled Christophe to commit suicide, to avoid the vengeance of the insurgents, and his dominions fell into the hands of Boyer. The Spanish part of the island was reduced in the same manner ; partly by force of arms, but more through the good will of a majority of its inhabitants.

The president of Hayti, as the government is now constituted, is elected for life, by the senate, with a salary of 200,000 francs. All the executive functions are vested in the president, who appoints to office, and nominates his successor, subject to rejection by the senate.

The legislature consists of two chambers ; the popular branch being elected by the people, to serve five years ; and the senate being elected by the chamber of deputies, on nomination by a triple list, from the president. The senators are twenty-four in number, chosen for nine years ; and being a permanent body, receive a salary of 8000 francs each. They are particularly charged with the affairs of administration.

During the early periods of their independence, France exerted all her strength, to subdue them by force ; but the climate, no less than the determined bravery of the blacks and mulattoes, defeated even the disciplined and victorious troops of Napoleon. After a series of horrid scenes of savage excess, in which both sides indulged, the French being obliged to abandon the island to its warlike defenders, they turned their arms upon each other, and another succession of lamentable events occurred. On every occasion, but most when the island was tranquil, under Petion, and Christophe, the ex-colonists busily endeavored to regain a foothold in Hayti. All their secret attempts were frustrated, one by one ; until, at length, after Boyer's accession, negotiations, for obtaining a recognition of their independence, were seriously undertaken by the Haytians.



Throughout the reign of Louis XVIII, it was a favorite object of his ministry, to regain authority in Hayti. At length, when the Haytian government had indignantly rejected several other overtures, made by the French, Louis caused Boyer to be informed, that he would confirm the independence of Hayti, on condition of being paid an indemnity and acknowledged as suzerain. Hereupon, Boyer, decidedly rejecting the last condition, intimated his willingness to comply with the other; and was therefore invited to appoint an agent to treat with France. Gen. Boye was accordingly despatched to Brussels, in 1823; but accomplished nothing. Urged again to negotiate, Boyer sent two agents to France, in May, 1824, Larose, and Rouanez, with full powers to conclude a commercial treaty. France again renewed her demand of external sovereignty over Hayti; and of course, the negotiations were abruptly terminated.

It would seem, however, from the sequel, that some communication was still kept up between the governments of the two countries; for in May, 1825, baron de Mackau, of the navy, sailed from Rochfort in the frigate *Circe*, bearing despatches to the French admiral Jurien, commanding in the West Indies, and with an ordinance, dated April 17th, containing the following articles:

“ Charles, by the grace of God, king of France and Navarre: To all to whom these presents shall come, greeting: Considering, &c. we have ordained, and do ordain, as follows:

“ Art. 1. The ports of the French part of St. Domingo, are open to the commerce of all nations.

“ The duties levied in the ports, either upon vessels or merchandize, whether entering or going out, shall be equal and uniform, for all flags, except for the French flag, in favor of which, these duties shall be reduced one half.

“ 2. The present inhabitants of the French part of St. Domingo, shall pay into the *caisse*, &c. of France, in five equal instalments, from year to year, the first of which will become due, December 31st, 1825, the sum of 150,000,000 of francs destined to indemnify the ancient colonists, who shall claim an indemnity.

“ 3. We grant, on these conditions, by the present ordinance, to the actual inhabitants of the French part of the island of St. Domingo, the full and entire independence of their government. Given at Paris, &c. CHARLES.”

Bearing this extraordinary instrument, baron Mackau appeared off Port au Prince, July 3d. It had been arranged, that admiral Jurien, with a powerful squadron, should be in readiness, to hasten there, on receiving notice to that effect. As

soon as Mackau appeared in sight, two officers came on board the *Circe*, and conducted him to a suitable residence, in the city. Conferences were immediately opened, between him and three commissioners appointed by Boyer, to accept this ordinance as a recognition of independence. After three days, they not arriving at any result, Boyer himself, took up the discussion in person ; and July 8th, wrote to Mackau, signifying his acceptance, in the name of the people of Hayti, of the king's ordinance. Boyer, it is said, consulted some of his principal officers, on the subject, who all declared that they would confide in the wisdom of the chief of the republic.

A few days afterwards, the senate convened to confirm the acceptance of the ordinance, according to the laws of the country. The occasion was celebrated as a holiday. A numerous body of troops formed a double line from the sea shore, to the senate house. Baron de Mackau, accompanied by admiral Jurien, and the officers of his squadron, which was now in port, carried the ordinance to the senate house, where they were received with due respect and ceremony. Here the ordinance was read and confirmed by the senate ; and Boyer immediately issued a proclamation, announcing the act, which, he said, added the formality of a law to the

political existence which the Haytians had already acquired.

From that day, until the twentieth, when Mackau left Port au Prince, the French were entertained in a series of brilliant fetes ; by which the inhabitants manifested their joy at the supposed full acknowledgment of their independence. Three Haytian agents, Messrs. Daumee, Rouanez, and Fremont, accompanied the baron de Mackau to France, for the purpose of negotiating a loan for the payment of the first instalment of the indemnity ; which they successfully accomplished.

Meantime, when the French had departed and the rejoicings of the people were over, they had time to reflect upon the nature of this ordinance. In fact, it contained no renunciation of sovereignty. On the contrary, it treated the Haytians as subjects. Charles did not negotiate with Boyer as sovereign with sovereign : but sold him an empty, unsubstantial, nominal recognition of independence, at an enormous price. Boyer acquired nothing ; Charles parted with nothing ; the whole was, in fact, an elaborate imposition, either upon the French, or the Haytians ; and so the transaction was universally understood.

In France, the ministerial journals carefully protested that the acceptance of the ordinance by Boy-

er, was, in fact, an acknowledgment of sovereignty in Charles. The net revenue of the colonists, they calculated, was fifteen millions; and ten years purchase being a fair price for land in the Antilles, France, they said, had merely sold her property at its just price. The king, using the full exercise of his legitimate sovereignty, opens the ports of St. Domingo. The inhabitants, received the king's orders with respect and gratitude; and after a full submission on their part, he acknowledges the independence of *their government*. Such was the language holden in France, in reference to the fact. A commission was immediately instituted there, having the duc de Levis for president, to decide upon the claims of the ex-colonists for indemnity out of the payments to be made by Hayti.

Boyer had deemed it expedient not to print in Hayti, the pretended acknowledgment of independence. But the subject necessarily became, very soon, the topic of conversation, and produced great dissatisfaction. The veteran soldiers, who had bled to achieve their independence, were chagrined to discover that, under the insidious guise of a recognition of it, they had in fact gained nothing; and had substantially mortgaged the whole island to France, for the payment of a heavy indemnity. The Americans, English, and Ger-

mans, whose trade enabled the island to prosper, were incensed at the conclusion of an arrangement, which sold the commerce of Hayti to France. All, who deplored the past distractions of the country, and desired peace and good order, apprehended that on some future occasion the blacks and mulattoes, who never had been the most cordial friends, might again involve the island in bloodshed.

Indeed, Nord, Prophet, and others, the old black officers of Christophe, who lost much of their importance on his death, and who had always been jealous of Boyer's being under French influence, now loudly accused him of treason, and engaged in a conspiracy to cut off the mulattoes, in the northern *arrondissemens*. They seized, it is said, the opportunity of the rejoicings at Cape Haytian, as the acknowledgment of independence, and intended to strike a decisive blow in the unsuspecting moments of general festivity. The conspiracy failed, from the want of co-operation in the privates of the garrison, who tired of civil war, denounced their revolutionary generals. Boyer was at Gonaives, when informed of the plot; and immediately took effectual measures for suppressing it, and securing the principal conspirators.

The friends of Boyer, alleged that Hayti gained a full equivalent

for what she paid, in the advantages of increased security to her ports, and the quiet possession of property ; that she might now reduce her military force, and economize in her expenses ; that France was the natural ally of Hayti, and would hereafter faithfully support her interests ; and that she had become entitled thenceforth to consideration in the political world. All these advantages, however, were nominal. Hayti was more safe from the dangers of invasion before, than after the arrangement with France ; and to gain the friendship and commerce of her inveterate enemy, she cast off all her steadfast friends, and burthened their commerce with discriminating duties.

Thus matters stood for a while. Afterwards, it was disclosed that Boyer had been induced to accept the ordinance, only by the addition of certain modifications and explanations to it, tending to make the acknowledgment of independence unqualified, and, of course, satisfactory ; and, also, limiting the duration of commercial privileges to the period of five years. On these conditions, Boyer accepted the ordinance, relying in the good faith of Charles X. to ratify the doings of his commissioners. Boyer's agents went to France, therefore, not merely for the purpose of obtaining a loan ; but to receive the

king's ratification of the supplementary articles. In eight months his commissioners returned, having fully succeeded in procuring a loan for the first instalment ; but bringing a document, in explanation of the ordinance, altogether unsatisfactory, and, in fact, a mere evasion. Of course, the Haytians, who had frankly and confidently treated with the French, finding themselves deceived, immediately conceived distrust of the future intentions of their old enemies. The government, therefore, found itself under the necessity of maintaining all its military force, as a precaution against any breach with France.

Nor was this all. Hayti contracted to pay France thirty millions of francs annually ; and borrowed, of French subjects, that sum for the first instalment. But how was she to fulfil her contracts ? The expenses of her government amounted to two and a half millions of dollars ; and Boyer must, consequently, raise eight and a half millions every year, if he would pay the indemnity. But the whole produce of the island is not estimated at above seven millions ; and, therefore, Hayti could not, and would not, prove able to comply with her engagements ; and either a new rupture, between the two governments, would have to ensue ; or France must make an-

other bargain with Hayti, within the means of the latter to perform.

Such were the state of things, and speculation upon the subject in Hayti, when the conclusion of the negotiation opened to them a view of the whole ground. France seemed, in fact, to have overreached herself, as well as Hayti; for the subjects of France having lent the islanders six millions, actually had a deeper stake in its welfare than before.

In the fall, murmurs of discontent in Hayti, on account of the operation of the arrangement with France, grew loud and constant. Its commerce was deplorably reduced, foreign goods high, and but little produce brought into market. The government saw itself reduced to the ruinous necessity of putting a paper medium in circulation; and Boyer issued a proclamation, declaring that it would be done the beginning of October. But in consequence, it was said, of the urgent representations of the foreign merchants, this disastrous scheme was at least suspended. The government finding its situation altogether precarious, summoned a meeting of the generals commanding the different *arrondissemens*, to devise measures for relieving the public embarrassments. In consequence of this call, the generals and principal military officers of the republic assembled at

Port au Prince, in the latter part of November; and the stand, which the government was resolved to take, soon became public.

During the last summer, the political circles in France began to apprehend a difficulty with Hayti. No commercial treaty had as yet been concluded with that island. The French accused the Americans and English of strenuously endeavoring to excite the suspicions of the Haytians against France, and to obtain a monopoly of their trade. The Americans and English, on the other hand, replied, with great justice, that all they wanted, was exact equality in the trade for all nations, and exclusive privileges for none; that the French had impoverished Hayti, and driven away all other nations from the island, by an arrangement, to which they had only obtained Boyer's consent, by assurances, which they never intended to fulfil; and that it was the right of Hayti, as it was her interest and duty, to annul the whole contract.

Rumors now prevailed, that England was actually negotiating a commercial treaty with Hayti. Connected therewith, was a report, which greatly alarmed the French merchants, that the half duties in their favor would cease at the expiration of the year, and all vessels be admitted on equal foot-

ing. This report was confirmed by the actual arrival of the British agent in England, carrying home a treaty of commerce.

Let us now return to Hayti itself, where, early in December, every thing indicated a state of preparation for defence. The government removed their cannon and ammunition to the mountains, appearing determined upon some decisive measures. It was soon made known, that Boyer had concluded a treaty with Great Britain, and declined continuing to France the privilege of paying only half duties. Of course, the inhabitants justly feared this decision of the Haytian government, might lead to collision with France. To protect the citizens of their respective countries, in case of hostilities, the American and British squadrons in the West Indies, have been ordered to visit the ports of Hayti, as a necessary measure of precaution.

What the determination of France may have been, on receiving intelligence of these facts, remains unknown. It is not improbable she will endeavor to enforce the provisions of her ordinance; and conjecture points to the fleet now fit-

ting out in Brest, as destined to be sent on this service. Should France again attempt the reduction of Hayti by force, she may occasion the inhabitants of the island much misery; but she will find the spirit of independence, which animated Toussaint and Dessalines not yet extinct; and her troops will have to contend with the same devouring climate, which annihilated the veteran army of Le Clerc.

We subjoin a single remark, in regard to the islands belonging to the smaller European powers. Whilst England is drawing tighter the bonds of metropolitan subjection; and, amid many professions of regard for the principles of modern commerce, is maintaining the old monopoly doctrines of colonial policy; Holland, Denmark and Sweden, are wisely consulting the welfare of their West India possessions, by making nearer and nearer approaches to the allowance of a free trade between them and foreign countries. The introduction of such liberal maxims in those islands, is, fruitful of advantage to them; while it benefits, though in a less degree, the commerce of the United States.





## CHAPTER VII.

**MEXICO.**—*Victoria President—Congress—Surrender of ship Asia—St. Juan de Ullua—Government, and Political Condition in 1826—Cuba—Sonora—Texas.* **CENTRAL AMERICA.**—*Constitution—Arce President—Political Condition.* **RIO DE LA PLATA.**—*Constitution—Rivadaira—Political Condition—War with Brazil—***CHILI.**—*Commotion—Surrender of Chiloe—Congress—Freire—***PARAGUAY.**—*Congress of Panama.*

We devote a large space to the consideration of the eight independent states of Spanish America. Their recent existence—the similarity of their origin and institutions to our own—their community of interest with ourselves, in many remarkable respects,—constitute claims, on our attention, of the strongest description. As emancipated colonies, it should be, we trust it is, their aim, to found, and establish an American policy of liberty, an American international law of justice, which may stand in contrast, forever, with the principles upheld by the sovereignties of Europe. Our retrospect of their late history, will not, universally, present a cheering picture of their public advancement. Some less grateful events have happened, inseparable from the unsettled condition of certain districts, and the newness of all, in the important functions of self-government. Be-

ginning with Mexico, we shall proceed through Central America, and passing by, in this chapter, the republics of Colombia, Peru, and Bolivia, conclude with a brief notice of Chili, Paraguay, and the provinces of Rio de la Plata.

*Mexico* commenced her career of independence, under unfavorable auspices. But in 1825, she was happily freed of the usurper Iturbide, and after having established a representative federal republic, analogous, in essential points, to our own; she had completed, and crowned her work, by electing general Guadalupe Victoria, as first president of the republic. His sufferings in the cause of liberty, which he was among the first to assert, and never for a moment, abandoned, conspired, with his high reputation for talents, courage, integrity, and patriotism, to single him out, for this eminent distinction. He entered upon the duties of ad-

ministering the government, with happy prospects. No intestine discords, of any moment, disturbed the tranquillity of a republic, which was firmly attached to its free institutions, and resolved in its hostility to the Spanish dominion.

The first constitutional congress convened January 1st, 1825, and continued its session until the close of May, assiduously engaged in the organization of the government, and the settlement of the multifarious affairs, growing out of its recent creation. On its termination, the president exhibited a view of the national condition, showing that its credit was good, at home, and abroad, and the work of consolidating its domestic and foreign relations, steadily advancing. Its extraordinary session was also holden in August of the same year.

The Spanish ship of the line *Asia*, and brig *Constantia*, which cruised on the Pacific side of Mexico, had, in the earlier part of the year, excited some apprehension. But in time they both surrendered to the Mexicans, on condition, that the crew should be paid all the arrears, due them from Spain, and have permission either to reside in any part of Mexico, or go elsewhere, at their option. These conditions the republic strictly performed.

Mexico, having her independence recognized by Great Britain, and

the United States, and being united internally, saw nothing to apprehend from Spain. But this power still retained possession of the castle of St. Juan de Ullua, which commanded the valuable seaport of Vera Cruz; and the Mexicans bent all their strength to effect its reduction. The inhabitants of Vera Cruz, having deserted the town, the garrison depended wholly on Cuba for their supplies. Still, its commander, Coppinger, with extreme folly, and obstinacy, determined to hold out, a useless post, to the last. Accordingly, the Mexicans erected strong fortifications on the island of Sacrificios, within a few miles of the castle, and established a close blockade by means of a naval squadron, which completely deprived the castle of succor. In September, the situation of the garrison had become so desperate, that a strong expedition was fitted out, at Havana for their relief, having a reinforcement of troops, and provisions, for six months. Laborde commanded the fleet, which consisted of the frigate *Sabina*, two large sloops, and other vessels, amply sufficient to overpower the Mexicans. But, fortunately, a few days after the fleet set sail, it met with a violent gale from the north, which dismasted the frigate, and dispersed her whole convoy. The Mexicans now prepared to resist the fleet,

should it again assemble ; and by the middle of December, the garrison was reduced to a handful of men, in a famishing state. Coppinger, accordingly, asked, and obtained, honorable terms of capitulation, and surrendered the castle to the Mexicans, December 20th. The Spaniards left the castle with the honors of war, landed at Vera Cruz, and were transported to Havana by the conquerors. This event utterly annihilated all the remains of Spanish authority in Mexico.

The English minister, Mr. Ward, and Mr. Poinsett, the American, were publicly accredited in June, in the presence of all the principal citizens, and foreigners ; and the occasion was celebrated, as a testimonial of the admission of Mexico to its place among nations. Both ministers proceeded to negotiate treaties with Mexico, for their respective governments ; but the importance of the subject, and a difference in regard to some essential points, delayed their completion for some time.

Mexico was fixed upon, by the first congress, as the federal capital. This decision of congress occasioned much dissatisfaction in the city ; and threatened serious uneasiness ; but ended in merely a formal protest against the act, on the part of the state of Mexico.

Considering the persecutions entailed on the free masons, for their connexion with the Spanish constitution, the installation of a grand lodge at Mexico, in September, deserves to be mentioned. It was composed of men among the first in the republic, for station or character, and Mr. Poinsett, the American minister, presided over the ceremonies.

At the assembling of the Mexican congress, in January, 1826, a complete exposition of the affairs of the nation, was given by the several heads of department ; exhibiting a circumstantial statement of its domestic and foreign condition. At that time, Gomez Pedraza was secretary of war ; Miguel Ramos Arizpe, of justice and ecclesiastical affairs ; and Sebastian Camacho, of exterior and interior relations.

The military forces then consisted of a ship of the line, a frigate, a corvette, six brigs, four schooners, and eight gun boats, for the sea ; and for the land, 22,750 standing troops, and 21,577 effective militia. The duties of the latter have been chiefly defensive. Great exertions are making by the government, to provide means for the education of officers, in which the chief deficiency of their military force consists.

Mexico had exchanged diplomatic agents with the United States.

Colombia, Great Britain, and the Netherlands; and her independence was recognized by Prussia.

Its ecclesiastical affairs were unsettled, in consequence of the impolitic compliance of Leo XII. with the representatives of Spain; and his consequent interference with the question of its national independence. The catholic religion being established in Mexico by the constitution, the government have despatched a minister to Rome, to negotiate an arrangement with the apostolic see. But some apprehensions of the event are entertained, owing to the anti-liberal principles of the present pope, who has addressed a circular letter to the Mexican ecclesiastics, idly exhorting them to submit again to the Spanish yoke. Should he continue to favor Spain so unreasonably, it may end in the total subversion of the papal authority, over the church of Mexico.

In addition to its dependant territories, the Mexican republic consists of nineteen confederate states, most of which have already organized constitutions of their own; and all are sedulously engaged, in imitation of the general government, in consolidating and regulating their respective concerns.

With respect, generally, to the internal condition of Mexico, we may observe that it has a population steadily advancing in public

improvement, animated by the spirit of a regulated freedom, and content with a government of their choice, and a constitution of their own creation. Efforts are making for facilitating internal intercourse, by roads and canals; public institutions for the purposes of education and beneficence are protected; agriculture, commerce, and domestic industry are fostered, and begin to manifest the wholesome influences of liberty; the working of the mines is encouraged; and every thing, in fine, is done, which, in the present circumstances of the country, a wise and upright government can devise and accomplish, to enable the nation to enjoy the invaluable blessings of liberty.

In May, 1826, the government passed a decree, abolishing for ever all titles of nobility, and ordering the escutcheons, arms, and other symbols, which suggested the former dependance of Mexico on Spain, to be destroyed. Another important act, was a resolution never to treat with any power, not recognizing the national freedom; and farther, never to consent to give Spain any indemnity or other recompense, to induce her to acknowledge the independence of Mexico. Severe punishments were enacted against any persons, who should propose or promote, publicly or privately, any thing contrary to the spirit of these resolutions. Such

decided and express acts on this point, were probably induced by apprehension of the efforts of France to procure Spain some consideration for acquiescing in the loss of her supremacy in America.

So long ago as March, 1825, General Santa Anna projected an invasion of Cuba, from the nearest coast of Mexico ; but the design was, for that time, abandoned. At a later period, troops were assembled in the province of Yucatan, with which it was contemplated to land in Cuba, and to serve as a rallying point for the inhabitants of that island, who might choose to adopt the cause of liberty. To avoid the risk of failure, however, the president designed to act in concert with Bolivar, and to undertake a joint expedition, in case the congress should lend their sanction. The assemblage of troops, therefore was in anticipation of such a concert. Bolivar's occupations in Peru, and the subsequent events in Colombia, combining with other causes, must have caused the design to be again relinquished.

At the close of the year, disturbances existed in the state of Sonora, where the ravages committed by the Yaquis indians were severe, and it required great exertions on the part of the government to subdue the insurgents. In the territory of Texas, also, the inhabitants lately have proclaimed their inde-

pendence of Mexico. Neither of these incidents can be of sufficient importance, to affect the public peace, or interfere with the general welfare and security of the republic.

The Mexican congress, which assembled September 15th, for some objects of merely domestic importance, terminated its extraordinary session, December 27th. Its constitutional period of service expired with that session ; and General Victoria, in his speech on the occasion, congratulated the congress on the valuable effect of its labors. It found the republic new and untried ; and left her respected and great in her exterior relations, and affording practical proof of the excellence of her institutions, in her domestic concerns.

The territory now distinguished as the republic of CENTRAL AMERICA, the principal province of which is Guatemala, threw off the Spanish yoke in 1821. Guatemala was then desirous of existing as a separate government ; but became united, by the intrigues and military power of Iturbide, to the short lived Mexican empire of that misguided man. On Iturbide's downfall, Guatemala raised the standard of independence anew. Its inhabitants immediately assembled a constituent assembly, which after long deliberation, framed a constitution for the states, proposed to

be included in the confederacy. The constitution was completed November 22d, 1824, and is in general a close imitation of the constitution of the United States. The republic consists of five original states; Guatemala, Salvador, Honduras, Nicaragua, and Costa Rica, and one new one, Chiapa. By the constitution, the republic is federal, the supreme power being vested in a legislature, and president elected by the people. The legislature is composed of two branches; namely, a senate containing two members for each state; and an assembly to which every 30,000 inhabitants, send a representative. The president is elected for a term of four years. The constitution abolishes slavery, and guarantees personal freedom and the liberty of the press. Each state has its own local government.

The constituent assembly, was dissolved in February, 1825, and succeeded by the first federal congress, which the ensuing April, swore to maintain the new constitution. D. Manuel Jose Arce, was elected first president of the republic. A salary of 10,000 dollars was assigned him; 2,000 to each senator; and 1,200 to each representative. The president's discourse on the organization of the congress, inculcated sound republican doctrines, and inspired confidence in

the wisdom of the executive department.

During the session, intelligence was received of the patriot victories in Peru; on the communication of which by the executive, the members arose simultaneously and shouted independence and Bolivar.

Of the political concerns of the republic, a full exposition was given in the president's message at the opening of the second congress, March 1st, 1826. In its foreign relations, he said, the prospects of the country, were auspicious. Its independence had been recognized by Great Britain, and the Netherlands, in Europe, and by all the republican nations of America. Disputes existed with Mexico, growing out of their former temporary conjunction; but these were in the course of speedy adjustment. Internally, the situation of the country was prosperous, and at that time tranquil, excepting the relics of disturbance in Nicaragua, which state alone had not completed its constitution.

Scarcely any one of the new republics is more economical than Central America. In order to make the government more popular, some of the taxes were unnecessarily and imprudently abolished; and a loan of seven millions and a half became necessary to the establishment of the republic. Its

expenses, however, are small, not exceeding 600,000 dollars; and the revenue derived from powder, postage, tobacco, and customs, will suffice to meet all its wants.

In June last, the government of Central America, ratified a contract with a company in the United States, for constructing a ship-canal across the isthmus, through the lake of Nicaragua, so as to unite the two oceans; the navigation of the canal to be open to all neutral and friendly nations, on the payment of a stipulated toll, and to be protected by the naval forces of the republic. There is reason, to fear, however, that this object, desirable as it is, may not be accomplished.

During the last year, colonel Williams, the American charge des affaires in Central America, concluded a treaty between that republic and the United States, of the most liberal character.

THE PROVINCES OF THE RIO DE LA PLATA, were among the first in Spanish America, to claim and to achieve their independence; but of the various forms of government, which they have tried, none was attended with complete success. For two years past, a constituent congress has exercised the principal functions of government, whilst deliberating on such a constitutional system, as may unite the voices of the inhabitants. In April, 1825,

the committee on constitutional affairs, not having yet succeeded in arranging a plan to their own satisfaction, congress passed a vote urging them to a speedy decision. This body had deemed it necessary, when they decided upon a union of the provinces which they represented, to ask each of the states for a recognition of their powers. Pursuing the same course now, they resolved, in June, to apply to all the provinces for an opinion, concerning the form of constitution which each preferred, to be deliberated upon and decided in their respective local legislatures.

Much delay ensued, in obtaining the determination of the several provinces; which decided, some in favor of a central form of government, like that of Colombia, some of a federative, like Mexico, and the United States. It was not until June, 1826, that the committee were able to report on the subject; and their report was in favor of a central consolidated form of government. An elaborate statement of their reasons was published by the committee, which are more specious than conclusive, because the experience of the other republics of Spanish America, distinctly recommends the federative system. A justly celebrated man of letters, Dr. Funes, is said to be chairman of the constitutional committee. We hope that, on farther consi-



deration, they may revise their opinion, and renouncing centralism, adopt a form of union, which possesses stronger hold on the feelings of an American.

In the commencement of these discussions, the executive functions of the Argentine republic, were entrusted to the local government of Buenos Ayres. Notwithstanding the disproportionate exertions and sacrifices made by this province, great jealousy of its intentions existed in the more distant provinces, who dreaded the influence of its greater relative strength. Conscious of this feeling, the government of Buenos Ayres, demanded of congress to be relieved from the functions of the executive authority. This request was unanimously refused by the legislature, who professed their entire satisfaction with the zeal and integrity of the state of Buenos Ayres. Congress, however, appreciated the necessity of establishing a national executive, which they appointed so soon as they found it practicable. D. Bernardino Rivadavia, late minister in Great Britain, whose talents, experience, and patriotism, every way qualified him for the office, was chosen president of the united provinces, February 7th, 1826, and the next day formally installed by the congress. Among the great officers of government immediately appointed, were Francisco de Cruz,

minister of foreign relations; Carlos de Alvear, of war; Miguel Soler, commander in chief.

Events which occurred in the interior, previous to the war with Brazil, showed how necessary it was to hasten the organization of the constitutional government. In Cordova, the legislature regularly elected one of their number, Martinez, as governor to succeed the incumbent, D. Juan Bautista Bustos, who, nevertheless, being supported by the military, forcibly retained possession of the supreme authority. A conspiracy was formed in Mendoza, which the government suppressed before it was ripe for explosion. But in S. Juan, they were less fortunate. There, a faction, headed by a priest named Astorga, arrested the governor Carrel, who was obliged to fly to Mendoza; and was not restored, but by the assistance of the congress, who sent a force to attack and disperse the insurgents.

We shall relate the origin and progress of the war in the Banda Oriental, on arriving at the history of Brazil. From the very first moments of the rising there, it was anticipated at Buenos Ayres that, if Pedro persisted in claiming that province, a war must ensue. Preparations were therefore undertaken in May, for gradually meeting the exigencies of the probable event. Congress ordered the support of a

line of defence along the river Uruguay ; and published a law for organizing a national army of 7599 men, and apportioning the levies among the several provinces. But neither the finances nor the political condition of the republic, sanctioned the war in which it is now involved. We appreciate the feelings of sympathy for the Orientalists, which induced the government to take their part, and endeavor to rescue them, from the odious dominion of Brazil. But, considering how greatly the contest retards the moral advancement of the people, the consolidation of their government, the settlement and cultivation of the country, we hope it may be speedily terminated by the mediation of those powers, whose commerce it interrupts.

CHILI continues in an unsettled state, although, at the close of the last year, a prospect of better things opened. In February, 1825, great excitement was produced by the discovery of an attempt to assassinate two deputies, D. Joaquim Camfino, and D. Bernardo Vera ; and, on investigating the matter, several other deputies were found to be involved in a plot to commit the murder.

In July, the director, D. Ramon Freire, summoned a meeting of a constituent congress, to be holden at Santiago, in September.

Two popular commotions occur-

red in the autumn, which threatened to end in civil war, but were at length suppressed. One of them was at Valparaiso, arising out of opposition to some of the measures of the minister of finance, which made it necessary for the director to call out the troops. At Santiago, about the same time, the representatives of that province attempted to assume the whole authority of the government ; designing, it was said, to remove Freire, and reappoint the ex-director O'Higgins. A majority of the inhabitants, and also of the troops, together with the liberal party in the congress, adhering to Freire, he dissolved the congress, and banished eleven of the persons who had been most active in the factious designs.

Most of the misfortunes of Chili, were caused by the embarrassed state of her finances, burdened with immense debts, and managed by unskilful or corrupt men. But, notwithstanding all the unfavorable circumstances, in her condition, she succeeded, this year, in completing her liberation from Spain. Chiloe, which, like Callao, and St. Juan de Ullua, held out against the patriots, long after any beneficial purpose could be answered by it, surrendered, by capitulation, January 15th, 1826. It was stipulated, that the province of Chiloe, should be incorporated with the republic of Chili, as an integral part thereof ;

and that its inhabitants should participate in all the privileges of Chilians. The staff and troops of the Spanish army, might remain in Chili, subject to its laws, or go elsewhere, as they saw fit ; and the prisoners, on both sides, were set at liberty.

The constituent congress was installed July 4th, and immediately decreed to adopt the federal system as the basis of its constitution of government. Meanwhile the director, Freire, transmitted a message to the congress, requesting to be relieved from the executive functions ; in consequence of which, admiral Blanco, was temporarily elected to the office of president. At the last accounts, the congress was proceeding with much unanimity and steadiness of purpose, in the political organization of the nation. The committee on the constitution, were pursuing their labors, and ere long, the result of them was to be presented to congress, in a form, more or less consonant to the constitution of the United States.

Chiloe, also, which, subsequent to its capture from the royalists, had revolted in favor of the ex-director, O'Higgins, was recovered, and the insurrection of the troops effectually suppressed and punished. It was universally said in Chili, that the revolt was instigated by exiled Chilians, at Lima, acting under the advice of Bolivar, for the alleged purpose of substituting a strong

consolidated government, like that of Bolivia, described hereafter, as a remedy for the anarchy, to which a more liberal government subjected the Chilians. Most of the troops were blacks, from Peru, and many of the officers Peruvians, whose influence in Chili, created a party professedly for O'Higgins. Hence, a strong jealousy of Bolivar existed in Chili, long before the development of the revolution, of which we shall give a history in the ensuing chapter.

The territory of Chili, has been divided, by congress, into eight provinces, as the probable members of the future confederacy, namely, Coquimbo, Aconcagua, Santiago, Colchagua, Maule, Concepcion, Valdivia, and Chiloe.

Of the independent province of PARAGUAY, whose modern history, is not less singular than its ancient, we have little to record. Under the administration of Dr. Francia, peculiar as his maxims of state policy appear to be, it has, at least, enjoyed domestic tranquillity, exempt alike from dissensions within, and warfare without.

But, this extraordinary man, can hardly be charged with motives of personal ambition. In July last, he assembled the representatives, and chiefs of the municipalities, and signified to them his resignation of the supreme power ; but they refused to accept it. Alleging

however, that by reason, of the state of his health, he needed repose from labor, he retired to the town of Pilar, to reside among some of his friends. The administration of affairs would, in the regular course, have devolved upon general Guarrany, the commander in chief of the military forces. But he being absent from Ascension, the direction of the government was confided to Sr. Zapidas. When Francia withdrew to Pilar, he addressed a proclamation to the inhabitants of Paraguay, explaining the reasons of his retirement ; and exhorting them to continue in the observance of those political principles, which hitherto had preserved the country from war and commotion.

The latest accounts from Paraguay, represent the inhabitants as being dissatisfied with the seclusion of Francia, and the successor he had nominated, to whom most of the authorities refused to make oath. Although numerous addresses were presented to him, urging him to resume the reins of government, he still declined it.

For an account of the congress of Panama, whose sessions are now transferred to Tacubaya, in the neighborhood of the city of Mexico, an assembly which seems destined to have important influence upon the affairs of the new American republic—we refer the reader to the appropriate place, in the history of the United States.



## CHAPTER VIII.

**COLOMBIA in 1825.—Bolívar President—Recognized by the United States and England—Rumored Invasion of Cuba—Santander—Congress. PERU.—Battle of Ayacucho—Olaneta—Castles of Callao—Congress—Bolívar—Upper Peru. Constitution of BOLIVIA.—State of Peru in 1826—Insurrection of Paez—Views of the Government—Proceedings in Venezuela—In Quito—Views of Bolívar—Warlike operations in Venezuela—Bolívar arrives at Bogota—Reforms—Bolívar in Venezuela—Tranquillity restored.**

Circumstances have transpired, within the two last years, which place Colombia and the new sovereignties of Peru and Bolivia, alike under the absolute control of one fortunate man. Whether his acts are dictated by the pure patriotism, which the world demands of him, it is for events to show. Those countries, thus far, have afforded much for the pen of history to record; and the sequel, we venture not to predict. Peru and Bolivia are just emancipated from the Spanish yoke; and the republic of Colombia has, unhappily, been agitated by dangerous intestine discords. Dissatisfaction at the operation of the central system on some of the provinces, augmented by local causes, and acting the more effectually, on account of the absence of Bolívar in Peru;—

such have been, at least, the visible causes of disturbance, which still seems to have a deeper foundation.

During the year 1825, few events occurred in COLOMBIA of great historical importance. Conformably to the constitution, the congress assembled January 2d, 1825; the vice-president, Francisco de Paula Santander exercising the executive functions, in place of the president. The session closed the beginning of May; and although many useful laws were passed by congress, it was charged with relying too implicitly in the integrity of the executive.

At the end of the preceding year, Bolívar was unanimously re-elected president. He signified to the senate his wish to renounce the presidency; his determination, he said, always having been to withdraw

from public life, when an enemy of Colombia was no longer to be found in America. The victories in Peru had achieved this glorious result. He was anxious, also, he said, to satisfy the world of his abhorrence of supreme power, by retiring into the capacity of a private citizen ; thus proving, that his exertions in the cause of liberty, had not been prompted by ambition. This apparently patriotic surrender of his authority, now made, for the third time, in the midst of victories, was not accepted.

In May, a treaty of amity and commerce between the United States and Colombia, was concluded, on the most liberal principles of mutual benefit. A similar treaty with Great Britain was negotiated in the same year ; and Sr. Hurtado was formally accredited at the court of St. James, as Colombian minister, being the first ambassador of the Spanish American states, who received that honor.

To evince the cordial co-operation of Colombia, in establishing the principles of liberty, it should be mentioned, that she passed a law for inflicting the punishment of death on all citizens of the republic, engaged in the slave trade. All ships introducing slaves into Colombia, were made subject to confiscation, and the crew, if foreigners, to imprisonment for ten

years ; the slaves imported, either to be sent out of the country, or to remain there free, as they pleased.

Rumors frequently prevailed, late in 1825, and early in 1826, of an intended expedition against Cuba, either on the part of Colombia alone, or of Colombia and Mexico, jointly. They were founded, however, it is probable, merely on conjecture, or, perhaps, on the convenience and opportunity of invading that island. Although a considerable fleet was in preparation on the Atlantic coast, yet it was not believed to be with an immediate view to any expedition against Havana ; however desirable such a thing might be, when the forces of the republic were better consolidated. Besides, policy dictated that the alliance of the new states, projected by the contemplated congress of Panama, should undertake the invasion in concert, if done at all.

The address of the vice-president, Santander, made at the opening of the congress in January, 1826, is a valuable state paper, presenting a full view of the concerns of the republic during the year, which had just expired.

In March, general Santander offered to resign his office, assigning for reason, the necessity in a republic of rotation in office, and the peculiar danger of having military men continue in authority for



a succession of years. It may be, that he anticipated the discords which were about to agitate his country, and wished to escape the impending storm ; for if the liberties of the republic had any thing to fear from Santander, as a soldier ; how much more, then, from the overpowering ascendancy of Bolivar ?

An extraordinary session of congress was convened at Bogota, May 3d, to provide means for paying the interest of the public debt, in consequence of the failure of Peru to obtain a loan, for money which being due to Colombia, had been expected and calculated upon by this republic, in her financial arrangements. No other source of care to the government was then anticipated, except the ordinary subjects of internal administration. But events were already transpiring, which would demand its most anxious attention. Before narrating them, however, we must describe the doings of the liberating army, sent to aid the Peruvians.

The independence of Upper and Lower PERU, was accomplished by the decisive victory of Ayacucho, fought December 9th, 1824. Bolivar was then at Lima, invested with dictatorial powers, and the main body of the liberating army from Colombia, was commanded by Antonio Jose de Sucre. Five

months of skilful manœuvring on either side, preceded the battle. Various marches and counter-marches, and frequent skirmishes, took place in that interval ; the Colombians moving in a retrograde direction, and the royalists seeking to outflank the retreating troops. Sucre offered La Serna battle on equal terms at Matara, December 2d ; but the viceroy declined it. The next day, however, the royalists attacked the patriots in their rear, and under circumstances very disadvantageous to the latter ; but Sucre succeeded in extricating his army after losing 300 men, with his entire park, and one of his two pieces of artillery. This little success so elated La Serna, that he resolved to engage the Colombians.

The two armies continued in motion side by side, for several days ; Sucre daily losing men and baggage, and pursuing his retreat. His situation was growing more and more desperate every day. The royalists took strong positions, where they could not be attacked but with a certainty of repulse ; and confident of success, sent forward a detachment to destroy the bridges and roads, and thus arrest Sucre's progress. At length, La Serna deemed, that he had taken his measures with so much precaution, that he could not fail of victory.

The morning of the 9th of De-

cember, beheld the two armies drawn up in order of battle, to decide the fate of Peru. The disposable force of the royalists consisted of 9,310 men, that of the patriots of 5,780. Both sides felt eager to engage. Sucre occupied a position on the plain of Ayacucho, on a field sloping to the rear, and flanked with ravines. La Serna, having posted his army on the heights in front of the patriots, planted five pieces at the foot of the hill, which commanded their camp. Sucre, giving orders to force this position, the royalists formed and descended the hill with great rapidity to anticipate his attack, and defend their artillery.

The Spanish commenced their assault upon the Colombian left wing, commanded by general La Mar, pressing it with great vigor. Sucre, observing this, and that the Spanish centre was not drawn up in order, sent a reinforcement to general La Mar, and commanded general Cordova with the Colombian right division to charge, under cover of the cavalry of general Miller. This division marched with arms supported until within one hundred paces of the enemy; when, being charged by eight Spanish squadrons, they fired, rushed forward, and drove the royalists before them by their impetuosity. In the mean time, the Spanish

right endeavoring to penetrate between La Mar and Cordova, the hussars of Junin charged them in flank and obtained a complete victory; while the mounted grenadiers of Colombia, quitting their saddles, charged the Spanish infantry on foot, from the right flank of the patriots, with equal success. After an engagement of one hour and twenty minutes, the Spaniards gave way in every direction, and the rout became complete throughout the field. La Serna, the viceroy, was pursued, and taken prisoner; and general Canterac, the second in command, accounting farther resistance mere desperation, capitulated on the same day.

Of the patriots only 370 were killed. The royalists, on the other hand, lost 1,800 in killed. By the terms of capitulation, all the Spanish possessions in Peru were given up, including the castles of Callao, and all the officers, stores, military magazines, and arms, remained in the possession of the liberating army. Never was a victory more complete or decisive.

The patriot army had retreated from Cuzco to Huamanga, a distance of eighty leagues, always in the face of a superior enemy; and their success at Ayacucho, came opportunely to remove the public despondency. News of the victory quickly reached Lima; and there,

as well as all over Spanish America, the rejoicings were enthusiastic, at this glorious conclusion of the campaign.

Agreeably to the capitulation, Bolivar caused the Spanish officers to be embarked for Europe, in a French vessel. The Spaniards were less honorable on their part, Rodil, commandant of the castles of Callao, refusing to surrender, in compliance with the capitulation; and general Olaneta holding out, with a small force, in Upper Peru.

Olaneta had acted independent of the viceroy some months prior to his surrender; and now published proclamations at Oruro, declaring his design to defend the country above the Desaguadero. Sucre, however, advanced upon him; and in March, had fixed his head quarters at La Paz, and shortly afterwards, occupied Potosi. Olaneta's force had now dwindled away by desertion and death, to 700 men; with which he retreated into the province of Salta. At Tamusla, they were attacked by colonel Medina Celi, in the beginning of April, and totally defeated; Olaneta himself being mortally wounded in the engagement.

Rodil obstinately defended the castles of Callao, for upwards of a year. Bolivar, so soon as Rodil refused to abide by Canterac's capitulation, issued a proclamation

declaring Callao to be in strict blockade; and that Rodil, by his conduct in holding the castles, should be considered as having separated himself from the Spanish nation; and cut off, from all the rights of nations. Adequate forces were also assembled by sea and land, and the castles closely invested. During the first months of the blockade, the Liberator was indefatigable in his personal attendance to the duties of the camp; perfectly indifferent on the score of personal danger. The patriots erected a battery within gun shot of Callao; and the besiegers and besieged continually fired upon each other, but without much effect. Rodil was well supplied with stores and ammunition; and rejected every proposal for his surrender. All the foreign shipping on the coast sustained so much inconvenience for want of the fine bay of Callao; they being obliged during the continuance of the siege, to discharge their cargoes in an open roadstead at Chorillas, that in August, offers of mediation were made by the officers of the British squadron on the station, but to no purpose. Rodil obstinately persisted in maintaining the castles, without any possible benefit to his country. The Peruvians were therefore obliged still to keep up a large force before Callao, at an immense expense, assisted by a Chi-

lian squadron under admiral Blanco. At length, after sustaining a vigorous siege for more than a year, and being reduced to absolute famine, Rodil was compelled, on the 23d of January, 1826, to capitulate to the Colombian forces commanded by general Salo. The loss of men on both sides had been severe. When taken possession of by the patriots, Callao was in a state of ruin, and the garrison had undergone all the sufferings attendant on so long a siege. Among the persons of note, who perished in it, were the marquess of Torre Tagle, and nearly all the members of his numerous family. When he abandoned the republican cause, he took refuge in Callao, never again to resume his former influence in Peru.

Meantime, Bolivar issued a proclamation in December, 1824, convoking a constituent congress for Peru, to assemble at Lima the ensuing February. The liberator's message announced his determination to repair to Upper Peru; and signified his resignation of the supreme power, conferred upon him for the liberation of Peru. In consideration, however, of the still unsettled state of the country, congress again invested him with the authority of dictator, for another year. They also voted him a grant of a million of dollars, which he twice re-

fused; and was then urged to accept it, to be dispensed in acts of beneficence. Farther, to attest their gratitude for his services, they appointed a deputation to repair to Bogota, and thank the congress and government of Colombia for the inestimable benefit Peru had received from their assistance, and to request that Bolivar might remain in Peru long enough to consolidate the liberty which his valor and wisdom had achieved.

The liberator richly merited all these, and other extraordinary proofs of gratitude, which the members of the Peruvian congress were emulous to evince. In his answer, declining a grant of money, he said, most nobly, that the confidence reposed in him, was a sufficient honor; the glory conferred in placing the destinies of the nation in his hands, an appropriate reward for all his exertions. To accept of treasure as a recompense, he deemed unworthy of the spirit, in which he had consecrated himself to the cause of freedom. At the same time, he bestowed the warmest thanks on the congress, for acts which they passed, in honor and recompense of the liberating army, thus manifesting feelings as disinterested as they were lofty.

After continuing in session about a month, the sovereign congress came to a resolution, that having conferred on Bolivar full powers to

govern the commonwealth, it was unnecessary, and inconsistent with his authority, for them to continue to exercise their functions ; which they accordingly pronounced to be at an end. Thus all the power of the state was once again thrown upon Bolivar. He was authorised to delegate his powers to one or more persons, and appoint a substitute upon any unexpected emergency. Unlimited power, executive and legislative, was entrusted to him. He might raise loans, levy extraordinary contributions, abrogate or suspend such laws or constitutional articles as he should think adverse to the security and liberty of the nation, and promulgate such others, as were conducive thereto ; being charged, farthermore, to exercise his discretion in purging the republic of its enemies, of whatever class or condition they might be. In short, the grant of authority was absolute and unconditional, and could scarcely be warranted, even by the exigencies of the country. In Upper Peru, however, still greater honors awaited him, than he had yet received.

The death of Olaneta, extinguished the last hope of the royalists in Upper Peru, who now peaceably submitted to the patriot army. Sucre took possession of the cities of Oruro, La Paz, and Potosi, and all the dependant country in that quarter, without oppo-

sition from any armed force, and proceeded to organize the government with the cordial cooperation of the inhabitants, who seemed resolved neither to unite with Peru, nor the provinces of Rio de la Plata ; but to form an independent republic : an object highly favored by their geographical position. To deliberate on these points, Sucre summoned a congress of representatives of the several provinces, to assemble at Chuquisaca.

In the meantime, a body of Brazillians, from the remote interior province of Mattogrosso, quietly took possession of Chiquitos, April 26th, by virtue of an alleged capitulation of the commandant Ramos, the governor of that province. Upon being notified of this fact, by the Brazillian chief, Sucre immediately returned for answer, that the pretended capitulation was void ; and that if the Brazillians did not instantly evacuate Chiquitos, he would not only compel them to do it by force, but would make reprisals upon the territory of Brazil, in punishment of the aggression.

Accordingly, a division of the army left Chuquisaca, June 1st, for Chiquitos ; but the Brazillians not thinking it best to stand an attack, quitted the province. Not long afterwards, rumors were abroad, that Bolivar had himself

invaded Brazil ; and although some of them may have been premature, there is reason to believe, from official documents, that he contemplated aiding the Argentine republic, in her contest with the emperor of Brazil.

Among the first acts of the congress of Upper Peru, was an expression of gratitude towards the liberating army, and its chief officers. They decreed, August 11th, 1825, to call the new republic by the name of Bolivia ; and its capital city, Sucre. They conferred the supreme executive authority on Bolivar, during the whole time he might reside within the limits of the republic ; and when absent from it, the honorary distinction of its protector and president. Sucre was invested with the highest military authority, with the titles of captain-general, and grand marshal of Ayacucho. Medals, statues, and pictures of both Bolivar and Sucre, were liberally decreed ; the statues to be erected in the capital of each department. To the liberating army, a million of dollars was voted, with all the privileges possessed by native citizens of the republic.

Their most important act, however, was to request Bolivar to prepare the draft of a constitution for the republic ; which he consented to do. This singular instrument, for singular and most extraordinary

we must consider it ; is prefaced by some preliminary general principles of government. The form recommended by him, and adopted by the constituent congress, is representative, but consolidated, in opposition to federal. Every ten citizens choose an elector, who holds the office for four years. In January of each year, the electors meet in the capitals of their respective provinces, and choose the members of three legislative chambers, namely, the *tribunes* elected for life ; the *senators* for four years, and the *censors* for life. The powers of the *president* of the republic resemble those of the president of the United States ; but he is without responsibility for the acts of his administration, and holds his office for life. Moreover, he virtually appoints his successor ; for the vice-president, nominated by him, and approved by the congress, is to succeed him in office. In other respects, the constitution is complicated and impracticable ; so that, if it should long exist, it would inevitably have the effect of establishing in Bolivia, either an irresistible aristocracy, or a despotism in the executive chief.

General Sucre was proclaimed president of Bolivia, by the constituent congress, until the election of a president should be made, under the sanction of the constitution. They also accepted the

plan of a constitution proposed to them by Bolivar, as above described.

Bolivar returned from Bolivia to Peru, in the spring of 1826, fixing his residence at Magdalena, and afterwards at Lima. Here the Peruvian congress was to assemble ; but considerable difficulty occurred in the organization of the body. It was prorogued once, on account of a quorum not being assembled ; and again, by reason of an alleged irregularity in the powers of the delegates. Bolivar manifested dissatisfaction, at what he considered, a factious spirit, on the part of a majority of the congress, and threatened to withdraw from Peru, instantly ; but was prevailed on by them to relinquish his intention. These circumstances indicated the danger of anarchy, if the country was left to its own resources ; and in April, fifty-two members of the congress made a representation to the government, setting forth their conviction, of the inexpediency of installing it until the next year ; and the necessity, in the interval, of continuing to Bolivar the dictatorial powers he now possessed. They farther recommended, that the provinces should be consulted, as to their desire to reform the constitution, and if so, how far the reform should extend. In compliance with their views, Bolivar consented to retain the supreme authority, and

issued a decree, dated May 1st, adopting the measures recommended by them. Thus, Bolivar was again left in the exercise of discretionary power.

The unsettled state of Peru, was the reason assigned, for pursuing this course. How far the condition of the country may have exacted it, we have not the means of determining. Certain it is, that great jealousy of Bolivar was now entertained, in Peru, and Chili. To such a height did this feeling reach, that, in July, a large number of officers, Peruvians, and Buenos Ayreans, were arrested by him, for an alleged conspiracy, against his person, and against the Colombians. Disturbances also broke out in the interior, for the same cause, professedly. Bolivar, therefore, marched the Peruvian troops out of Callao, and replaced them with Colombians ; and took other precautions to preserve tranquillity. Whether for the latter purpose only, or for the sake of strengthening his personal authority, he caused a body of Peruvian troops to proceed to Panama, cantoning Colombian soldiers in the various villages around the country. These measures augmented the public distrust of his intentions among the Peruvians, who began to accuse him of designing to unite, permanently, Colombia, Peru, and Bolivia.

Regardless of their dissatisfac-



tion, Bolivar caused a plan of a constitution, for Peru, similar to that of Bolivia, to be drawn up and circulated in the departments, for their examination and approval, under the authority of his council of state, which administered the affairs of Peru. It is deserving of remark, that this form of government, which Bolivar prefers above all others, very strongly resembles the present constitution of the republic of Hayti, from which, when governed by Pétion, Bolivar received that succor which enabled him to re-establish his then almost desperate fortunes.

Disorders now existed in Colombia, which, whatever might have been their origin, whether instigated by Bolivar, as many supposed, and part of a scheme to pave the way to absolute rule, or wholly independent of him,—still, in either case, equally made his departure from Peru, indispensably necessary. This event, although daily expected, for a long time, was at length officially announced, as about to take place.

Previous to leaving Peru for Bogota, Bolivar, in virtue of the powers granted him by the congress of 1825, invested D. Andres Santa Cruz, with the supreme command, during his absence; made other necessary arrangements in the executive authority; and summoned the legislature to meet, in September, of the ensuing year. In his

parting proclamation, dated at Lima, September 3d, he says:—“The legislature will, next year, render permanent, by the wisdom of their acts, all the blessings of liberty. There is but one danger which you have to fear; and I provide the remedy. Continue to dread, and shun, the tremendous evils of anarchy, and you are secure.” Of course, the liberator himself, remained, virtually, invested with the unlimited authority, which had been temporarily conferred on him, and was now exercised through substitutes, appointed, and removable, by himself, and accountable to him alone. But it may be, and probably is true, as alleged by Bolivar, that at present, no Peruvian, possesses sufficient personal influence to fix the confidence of his countrymen, and suppress their factions.

Having thus related the political events in Peru, it becomes necessary to recur to the period, when those movements commenced, which recalled Bolivar to Colombia. The original theatre of the revolution, for revolution it deserves to be called, was in Venezuela. General Jose Antonio Paez, one of the most distinguished officers of the revolution, was commanding general in that department. It was charged upon him, that, in the execution of a law, for enrolling the militia, he ordered a detachment of troops to

bring to his head quarters, by force, all persons subject to the law. For this alleged arbitrary act, he was impeached before the senate ; and being, of course, suspended from his command, was summoned to Bogota, to answer to the accusation. When upon the eve of departure, the soldiers assembled in Valencia, and committed various excesses, demanding their general, and refusing to serve under his successor, general Escalona. Hereupon, the *cabildo* assembled, and reinstated Paez in his command ; and the result was, that Valencia declared the province of Venezuela independent of the general government, and resolved to seek the erection of it into a separate state. This event caused the greatest consternation among merchants, and foreigners, who naturally anticipated all the horrors of civil war. Paez, however, having a force of more than 2,000 men under his immediate command, was competent to preserve order, unless attacked by troops from Bogota ; and immediately issued a proclamation, dated May 3d, guaranteeing to all the inhabitants security for their persons and property, while pursuing their private avocations, and doing nothing to interfere with the public peace.

On learning these occurrences, the municipality of Caraccas, who had promoted the impeachment of

Paez, apprehensive that he might be inclined to punish them, sent a deputation, inviting him to the city, and concurring in the measures adopted by Valencia. He made his public entry into Caraccas, May 20th, and was now invested with the authority of supreme civil and military chief, to be held by him, until the arrival of Bolivar. At the same time, colonel Cala, an officer attached to Paez, was despatched to Puerto Cabello, of which he assumed the government ; the actual governor Avendano, either resigning, or being forcibly dispossessed of his authority.

Upon these unconstitutional proceedings being known at Carthage, the troops which were arriving there from Peru were detained, to await farther orders, and general Bermudez, commanding in the department of Orinoco, issued a proclamation, denouncing the conduct of Paez, and the Venezuelians, and exhorting the inhabitants of his department, faithfully to observe the laws, and to rely upon the wisdom of Bolivar, to restore concord, and preserve the constitution.

The first information of the revolution, was conveyed to the government, by the intendant of the department. But May 29th, general Paez addressed a letter to the vice president, giving a circumstantial account of the origin of the movement. In the course of it, he

vindicated his own conduct and intentions, entering into a full explanation of the political feelings of the people of Venezuela, who, he said, were not satisfied with the constitution, laws, or policy of the government. His authority, he added, had been the only pillar which supported the edifice in that department. The inhabitants firmly demanded a reform in the constitution. They would undertake no offensive measures, but would resolutely defend themselves against aggression, from whatever quarter it came; whether from the government, or others. Of course, this despatch placed general Paez in open opposition to the congress and constitution; and communicated to his acts, the character of deliberate separation from, and assumed independence of, any member of the government, except the liberator.

Hereupon the executive department issued a spirited manifesto, dated July 12th, vindicating the general government from the charges brought against it by the Venezuelians; denouncing the illegal, unwarranted, and treasonable proceedings of Paez and his adherents, and calling upon the nation to defend and sustain the constitution. Little apprehension of the result was then entertained, or, at least, expressed, at the capital, except for the increased expenses, and im-

paired credit, which must necessarily be entailed upon the country, in consequence of the insurrection.

In this state, affairs continued in Venezuela for some time. Paez raised all the military force he could command; preparing to meet any movement from general Bermudez, who, it seemed to be feared at Valencia, would be sent to reduce him to subjection. When Paez entered Caraccas, he issued a proclamation, declaring that his ultimate object, in accepting authority, was to accelerate the holding of a convention, to revise the constitution. Accordingly, he despatched commissioners to the various local authorities, inviting their co-operation in substituting the federal, instead of the central, form of government. These overtures, at first, were generally received with great coldness. Communications to the general government, from the commandants of Maturin, Zulia, and Orinoco, contained assurances of their determination to maintain the constitution, until it was changed in a peaceful manner. Among the insurgent faction in Venezuela, as every where else, all persons anxiously awaited the return of Bolivar from Peru; Paez himself expressing a readiness to yield implicit obedience to the liberator. Accounts of his approach were continually received.

and served to keep the public mind in agitation and suspense, at the same time, that they seemed to prevent either party from rushing into extremities.

Occasional vicissitudes occurred in the course of incidents, during this period. Serious differences broke out among the followers of Paez; a battalion of them, belonging to his favorite soldiers of Apure, headed by colonel Marceno, having left him, in August, to join general Bermudez at Cumana. Add to this, that the municipality of Puerto Cabello, at the instigation of the populace, published an act, August 8th, proclaiming the immediate adoption of the federative system. Such a precipitate measure was directly contrary to the understanding generally had in the department, to defer all proceedings on the subject, until the decision of Bolivar could be ascertained. It was to adopt reform, in defiance of the constitution, instead of recommending it. Upon this resolution being communicated to the *cabildo* of Caraccas, they signified their disapprobation of the hasty act of Puerto Cabello; adding, that they only wished for the federative system, provided it was peaceably obtained, according to the arrangements already made, and extended to the whole republic of Colombia. Whilst these things were going on, Paez

was absent in the interior, on the plains of Apure; and, on his return, he was deeply chagrined by them, especially by the disaffection of colonel Marceno to his cause.

Notwithstanding the discords in Venezuela, the general government were laboriously occupied in re-establishing the credit of the government, by all the means in their power. Bolivar continued to be impatiently expected. Preparations were more than once made for his reception; whether in good faith, or merely to keep up the spirits of the constitutional party, we know not. At length the 12th of October was fixed for his arrival. Although Paez had some bad advisers, among whom the principal one was Dr. Pena, a man of some political distinction, now in disgrace for speculation, yet no doubt was entertained of his quietly submitting to Bolivar.

Indeed, he himself, for a time, seemed disposed, if possible, to retrace his steps, or, at least, unwilling to act in direct opposition to the government, if he could avoid it. At meetings, called by his orders, it was resolved to discharge the forces raised for defence, or other purposes, and to send a deputation to Bogota, representing the wishes of Venezuela, that the constitution might be altered; which was accordingly done.

These pacific indications had a salutary effect, in partially restoring public tranquillity. The resolutions were adopted in September, without any disturbance or acts of violence, or any interruption of the ordinary occupations of the people. At Carthagena and Caraccas, the people united in the same measures; and Cumana afterwards followed, with Margarita, and other principal places in that quarter of Colombia. Gathering confidence, therefore, from the declaration of so many places in his favor, Paez now persisted in demanding, with a firmer tone, a convention for remodelling the constitution. Soon afterwards, the difference between him and Marceno was satisfactorily adjusted.

Revolting as it was to the exalted sense of Bolivar's character, which his past achievements had fixed in the hearts of all men; yet suspicions of collusion between him and Paez began to gain ground. Several circumstances, in themselves of little moment, were considered as betraying an understanding between these old companions in arms, in all that Paez had done. Besides, the inhabitants of the disturbed provinces did not disguise their expectation, that Bolivar would, nay, that he must, assume dictatorial powers, as the only means of arresting the progress of a civil war. Rumors of the na-

ture of the institutions which he had expressly recommended to Bolivia, a government purely of his own creating, and which he was deemed desirous to impose upon Peru, gave currency to such suggestions.

They received some countenance from measures adopted in a department of Colombia, at present, more immediately within the sphere of Bolivar's influence. At Guayaquil, a great public meeting was holden in August, over which, the intendant and commanding general of the province, presided. Its object and declaration coincided with those of Venezuela, with the addition of openly designating the authority to be conferred on the liberator. They resolved, in the name of the department, that it was expedient to devolve the exercise of sovereignty on him, in shape of dictatorial power; and that he should convoke a grand Colombian convention to decide on the constitution and destinies of the republic. Until he arrived and assumed this authority, the political condition of Guayaquil was to remain unchanged. Quito speedily followed the example of Guayaquil, expressly bestowing on Bolivar the title and powers of dictator.

Whatever might have been the origin of the movements on the Pacific side of Colombia, they necessarily inspirited and strengthened the re-

form party in Venezuela. If, said they, Quito and Guayaquil co-operate with Orinoco and Venezuela, if the two opposite corners of the republic concur in expressing the same sentiments, does it not prove conclusively the existence of radical abuses in our political system, which demand correction? On the other hand, seeming, as the movements in the south certainly did, to emanate directly from Bolivar, those persons in Venezuela, who merely desired a federative union, governed by a congress and a president, with limited powers, were justly alarmed at the idea of a dictatorship, or a constitution like that of Bolivia.

If any thing was needed to increase their alarm, the declaration of Bolivar himself, would have furnished it. In August, he addressed a letter to the municipality of Guayaquil, in consequence of a meeting held there in July, which meeting, reprobated any violence, but asked a convention to reform the government from the constitutional authorities. The letter signified his entire confidence in the integrity of Paez, indirectly applauding his conduct, or at least, questioning its irregularity. It farther stated, that "he had given his confession of political faith in the constitution presented to Bolivia." Never, it added, was assembled an equal amount of social and individual security in any

political system. Besides, at a public meeting, holden at Caraccas, early in November, Paez repeated the same sentiments, in a manner calculated, apparently, to prepare the people for such a revolution. About the same time, also, despatches reached Caraccas from Bolivar, which fully authorised Paez to hold the language above mentioned. We single out a letter, addressed to Dr. Cristobal Mendoza, intendant of Venezuela, whom Bolivar says he selected as the organ for communicating his ideas to his countrymen. Among other remarkable expressions, he writes, "I propose the Bolivia code, which, with some slight alterations, appears to me, suitable to the circumstances of Colombia." And again; "Colombia is the sacred and magical word of all good citizens: *I, myself*, am the rallying point of all who love the national glory, and the rights of the people."

It would be needless to recount the public meetings of the various municipalities, in addition to those we have already described, with the exception of the Caraccas meeting, November 6th, declaring the departments of Venezuela and Apure, federal states; and inviting the other departments of the republic to confederate with them. In pursuance of this invitation, Paez issued a proclamation, summoning a constituent assembly to meet for Ve-

nezuela, in January, 1827, without waiting for the general convention of all Colombia. Suffice it to say, in respect to all the meetings alluded to, that their objects were so diverse; that the republic was justly declared, by Paez, to be, in a manner, resolved into its constituent elements. Venezuela and Apure, were for a federal union; Guayaquil adopted the Bolivia code; the Isthmus desired the Hanseatic system; some departments demanded a dictator, others merely a modification of the existing constitution, to which Cundinamarca still adhered, as the true social compact of Colombia. In such a scene of confusion, Bolivar was the only point, to which all, as with one accord, looked for the attainment of their several objects.

Hitherto, no bloodshed had arisen out of these revolutionary proceedings, other than such as ordinarily attends a mere civil commotion, and the pendency of martial law. But affairs now began to assume a more alarming aspect. Puerto Cabello refused to be bound by the doings of the late meetings at Caraccas, which caused Paez to hasten thither, to restore his authority. The government at Bogota, which, in the beginning of the disturbances, had not apprehended any serious consequences from them; or, apprehending them, had concealed its fears, could

no longer pretend indifference to a revolution, which pervaded the remotest departments of Colombia; and was fatal alike to order and the constitution. But it had not power to enforce the laws, and could only wait, with the rest of the republic, to be relieved by the presence of one, whose coming might, perhaps, restore tranquillity, by substituting despotism in the place of anarchy.

On the receipt of communications from Guayaquil and Quito, announcing their submissive acts, the vice-president made a reply, utterly disapproving of their proceedings. General Santander declared, that so long as he was placed at the head of the government, and one solitary village could be found to respect the constitution, he would firmly sustain it, and sacrifice to it his life and fortune.

At Cumana, defensive operations were now commencing. General Bermudez, who persisted in his fidelity to the constitution, took possession of the battery, at the mouth of the Cumana river, and was joined by colonel Montes, who had previously promoted the revolutionary proceedings at Cumana. A slight engagement actually took place, in November, between general Bermudez and colonel Ruiz, who held Cumana for the revolutionists. General Bermudez had only a small force, and being de-



feated by the insurgents, was obliged to retreat to Barcelona.

General Pedro Briceno Mendez, having arrived at Puerto Cabello, November 22d, was prevailed upon to remain and take the command; colonel Cala, the governor appointed by Paez, having been deposed by the officers on duty there, in consequence of the doings of the last meeting in Caraccas. Paez, as we before stated, was desirous to reduce the town; but an attack undertaken by a few companies belonging to him was ineffectual; and he subsequently made an arrangement with general Mendez to suspend farther hostilities, and wait for the arrival of Bolivar.

Paez continued at Valencia, at this time, with the regular troops of La Guayra and Caraccas, determined to make no hostile movement himself; but only to act on the defensive if attacked. Individuals in La Guayra and Caraccas, were subjected by him to the strictest police regulations; and all foreigners were forbidden to interfere in political affairs by comments or otherwise; until intelligence came of the actual approach of Bolivar, when the rigor of military law was relaxed.

He had already reached Bogota. As he approached the capital, he restored tranquillity in all the towns through which he passed. At Guayaquil, he issued a proclamation, dated September 13th, an-

nouncing his coming. "Colombians," he said, "the sound of your discord penetrated my ears in the capital of Peru." He declared his devotion to every citizen of the republic to be the same, unchanged, undiminished, by their decisions. "Within your borders," he said, "there is but one to blame. I am the man. I have too long delayed my return. I present myself the victim of your sacrifice;—let your blows fall on me;—they will be most acceptable to one, if they satisfy your animosity. Colombians, I am among you; let the scandal of your outrages, and the crime of your disunion cease at once! There is no longer a Venezuela,—no longer a Cundinamarca,—let us all be Colombians!"

Bolivar arrived at Bogota a month later than had been fixed; namely, November 14th; and although received with every token of enthusiastic welcome, yet indications were not wanting of suspicions concerning his fidelity to the constitution. But in his reply to the vice-president's address, he declared his resolution to maintain it, and to restore order by force of arms, if driven to that necessity. He assumed the extraordinary powers, which, by the constitution, he was authorised to exercise in cases of rebellion against the government. Commencing by prorogation of the congress, he proceeded

to institute various essential reforms in the administration ; his direct and professed object being to diminish the expenses and re-establish the credit of the republic. With this intent, he proposed to reduce the army from 40,000 to 6,000 men ; to sell or lay up most of the ships of war ; to lessen the number of persons in office, by uniting several departments ; and by these means, so to economize in the public charges, as to reduce them from fourteen millions annually, to three. Whatever ulterior motives Bolivar might have, whether true or false to the liberties of his country, it was impossible not to feel confident, that these changes would have a most salutary effect upon the distresses of the country.

An executive decree, dated November 23d, made known the changes in the president's authority. He assigned, as reasons for assuming extraordinary powers, three causes ; the civil war in Venezuela ; the danger of invasion from Cuba, in the distracted state of the republic ; and the desire of a majority of the departments :—for which causes, he declared himself in the exercise of the transcendent powers emanating from the constitution ; both for the purpose of re-establishing internal tranquillity, and for securing the republic against anarchy and external war.

Among the testimonials of re-

spect manifested towards the president on his return to Colombia, after so long an absence, were public addresses from the agents of foreign governments residing at Bogota. In the course of his reply to colonel Watts, the American chargé, he said ; “ This land places its happiness in imitating the examples of glory, of liberty, of virtue, which it receives from the United States.”—If sincere in the expression of these sentiments, Colombia has nothing to fear from Bolivar's ultimate designs.

All his public addresses and proclamations continued to breathe the same spirit. So pressing was the necessity of his presence in Venezuela, that he remained but ten days at Bogota. Previous to his departure, he issued a proclamation dated November 23d, in which he protested against the imputations of ambition, which arose from his assuming the supreme command, declaring that the destiny of the liberator was more sublime than the throne. “ I return,” he said, “ to submit to the insupportable weight of the magistracy ; for in moments of danger to give it up were cowardice, not moderation ; yet count on me, only until the law or the people recover their sovereignty.”

Upon its being known in Venezuela that Bolivar was at hand, Paez issued a proclamation from

his head quarters at Valencia, full of the most extravagant eulogiums of the liberator. "Prepare yourselves, it said, to receive him as the dry earth does the fertilizing dews of heaven : hitherto Bolivar was great beyond admiration, but from this day forward, Venezuela owes him an apotheosis !"

Bolivar left Bogota, November 25th, for Maracaybo, which he reached December 16th, accompanied by a numerous suite, where he was welcomed with the greatest rejoicings. Immediately on his arrival, he issued a proclamation, calling on the inhabitants of Venezuela, to refrain from farther bloodshed, and assuring them that a convention should be assembled without delay, for the redress of their grievances. A decree followed in a few days, setting forth, the existence of civil war, and the extraordinary powers vested in him ; placing the departments of Maturin, Venezuela, Orinoco, and Zulia, under his immediate personal orders ; commanding the instant cessation of hostilities ; and declaring, that the electoral colleges should assemble, to determine when, where, and in what manner, a great national convention should be convoked.

Pursuing his rapid progress, Bolivar arrived in Puerto Cabello, the last day of December, and immediately issued a decree, guaranteeing

to every one perfect freedom, from molestation for any thing done or said, in reference to reform ; together with security to the persons, property, and offices, of those engaged in that cause, but denouncing every subsequent act of hostility, as a state crime, to be punished according to law. Paez was continued in command, by name, as military and civil chief of Venezuela.

Thus have we brought the history of the interesting events in Colombia and Peru, down to the end of the year 1826, faithfully endeavoring to present an exact view of the deeds and declarations, of the prominent actors in scenes so remarkable. On taking a review of the pending revolution there, it would *seem*, that its origin was accidental, namely, the impeachment of general Paez ; its progress confirmed and hastened by the discontents of certain departments, on account of alleged acts of misgovernment, attributable to the central system—its professed object, the assembling of a convention, for the reform of the constitution, immediately. Were all these things simulated to afford Bolivar a plausible pretext for usurping absolute dominion ? Or, when they had already happened, and began to threaten the overthrow of the state, and the prostration of its credit, did that all powerful individual, seize on the occasion to be-

tray the liberties of his too confiding country? We confess, many circumstances, which the attentive reader will have gathered from our narrative, if they do not warrant, at least encourage, an answer in the affirmative, to one of these two questions.

Yet, on the other hand, it is impossible to deny the evident necessity, in the actual contingency, for an extraordinary exertion of the personal influence of the liberator, supreme as he is, in the estimation of all parties, to allay their growing animosity. Whether his hand was, or was not, instrumental in fastening the knot, it is clear, that he alone, is able to unravel its tangled threads. And it requires no slight, nor ambiguous proofs, to shake the fame of Bolivar. The victorious apostle of freedom, the liberator of Spanish America, from transatlantic rule, can he, with the fate of a series of ephemeral usurpers before his eyes, can he prefer the ignoble career of Iturbide, to the peerless glory of Washington? While the events themselves are still

crowding onward, in rapid succession, we will not seek to anticipate the crisis, by pronouncing prematurely, a rash opinion concerning it. We hope the future designs of Bolivar, are as pure as his present professions. He is in the exercise of those transcendent powers, provided in the constitution, for cases of the last resort—*ne quid detrimenti respublica capiat*. An extraordinary convention is to assemble immediately, instead of waiting until the year 1831, the period fixed for the trial of the constitution, in that instrument itself. If Bolivar discharges his duty to his country, to liberty, to his fame, to himself, he will truly have earned imperishable laurels. Civil war has already vanished at his word, as before an enchanter's wand. In Colombia, in Bolivia, in Peru, he is now supreme; we shall most heartily rejoice, if he proves to have assumed the dictatorship, not as prompted by any bad ambition, but solely, and honestly, for the salvation of his bleeding and distracted country.

## CHAPTER IX.

***BRAZIL.—Independence Acknowledged—Character of Pedro—Invasion of Chiquitos—Banda Oriental—Insurrection—Lavalleja—Battle of Sarandi—The Banda united to Buenos Ayres—Pedro declares War—Progress of it—Future prospects.***

Brazil is little better than a pure military despotism ; for, although possessed of legislative chambers, and a constitution ; still the government is maintained by hired foreign soldiers, and the emperor's will is absolute in all things of a political nature. The empire was founded in rebellion of the worst kind, that of a son against his father ; but still it had the good fortune to be peaceably recognized, in the first instance, by Portugal, and afterwards by the other principal powers of America and Europe. Pedro is now engaged in a war with the provinces of Rio de la Plata, for the possession of the Banda Oriental, in which both parties sustain heavy losses, for the sake of a point of honor ; and therefore, the present history of Brazil, including the progress of the war, will furnish us with many incidents worthy of narration.

John, of Portugal, was induced to acknowledge the independence

of Brazil, as we have mentioned elsewhere, by the representations of England. The acknowledgment was made known by letters patent, May, 1825, and was followed up by a treaty, concluded at Rio de Janeiro, August, of the same year, in which John recognizes Brazil to hold the rank of an empire, independent, and separate from Portugal, and yields and transfers the sovereignty of the empire to his son, Don Pedro. Perpetual peace between the two countries being established, the parties mutually agreed upon a reciprocity of rights and commercial privileges, for the inhabitants of Brazil and Portugal. Farther, to remedy the effects of their past dissensions, they respectively agreed to restore all property, confiscated or captured, to the original owner, or indemnity in lieu of it ; and stipulated that the rights of private property, as well before, as since the revolution, should be held sacred,

notwithstanding the separation of the two crowns.

This judicious and liberal treaty, placed the independence of Brazil on the secure foundation of public law, and left the emperor nothing to apprehend from Europe. On the death of his father, and the descent of the Portuguese crown to himself, Pedro wisely renounced his rights in favor of his young daughter, Maria da Gloria, well judging that his condition, as emperor of Brazil, was better than to reign in Portugal with a divided interest; convinced, also, of the difficulty of keeping countries united, which nature designed to be separate and independent. In granting to Portugal a constitutional charter, as the condition of his renouncing the crown, his conduct seems hardly reconcileable to his character. But in other respects, as well as in this particular, his measures indicate that he is no ordinary man.

Tyrant as he is, it would seem, that, in establishing his monarchy in the new world, he ceased to partake of the incapacity, which marks so many of the royal families of Europe. The blood of Braganza is regenerated on American soil. Pedro is reputed to be conversant with science and the arts, more than is becoming in a *legitimate* prince. He is dissolute in his morals, it is true, and cruel

in his temper. But, on the other hand, he is brave and careless of danger; and zealously watches, in person, over the concerns of his army and navy, with energy deserving a better cause. Highly gifted in personal appearance, he adds to it an enterprise of action, vigor of intellect, and robustness of constitution, which well qualify him for the high part which he sustains, in the political drama of South America.

Before he became embroiled with the government of Rio de la Plata, he was in some danger of drawing upon him the enmity of Bolivar, with his victorious Colombian troops from Peru. Had not the Brazilian troops promptly evacuated Chiquitos, which they took possession of at the desire of D. Sebastian Ramos, the Spanish royalist governor; there is no doubt Sucre would have led his conquering legions into Mattogrosso. Pedro, therefore, anxiously disavowed the acts of his officers on the frontier, declaring his determination to preserve a strict neutrality in the contest, between the inhabitants of Spanish America and the mother country. So many accounts, having all the appearance of authenticity, ascribe to Bolivar a design to pass from Upper Peru into Brazil: that we incline to believe he had it in contemplation. We do not rely upon a pro-

clamation to the Brazillians, which made its appearance, alleging to be from Bolivar, but bearing incontrovertible marks of forgery. Other documents, better entitled to credit, and coming to us through Bogota and Buenos Ayres, afford surer ground for the same belief. But the idea, if entertained, was abandoned, and Pedro was left to pursue his war against the patriots, unmolested by so formidable a foe.

To comprehend the origin and merits of this dispute, we must review the previous history of the region called the Banda Oriental, lying on the *eastern bank* of the river La Plata, bounded towards the south and west by that river, and its branch the river Uruguay, and on the northeast by the Brazillian province of Rio Grande.

When the viceroyalty of Buenos Ayres raised the standard of independence, it is well known that Artigas maintained himself at Monte Video against the troops of Buenos Ayres, and compelled the latter, by a victory gained at Gaubija, in 1815, to respect his flag, and acknowledge him as independent chief of the Banda Oriental. But hostilities arising between him and the Brazillians; the king of Portugal, after making great sacrifices, succeeded in driving Artigas beyond the Uruguay, and remained in possession of the Banda Oriental, claiming in right of con-

quest, all the territory which that chief possessed, by admission of the government of Buenos Ayres.

In this state, things remained in the Banda Oriental for the space of four years. In 1821, the Brazillian government, apprehending, probably, some weakness in the province, summoned a congress at Monte Video, and induced the deputies to agree to an act for incorporating the province with the kingdom of Brazil and Portugal. When the Brazillian provinces invited Pedro to mount the throne, the *cabildos*, cities and troops of the Banda Oriental also proclaimed him, and took the oath of fidelity. From that period, the emperor retained possession of the province, until the spring of 1826.

At this time, general Le Cor commanded there for Pedro, with 2,000 troops, supported by a small naval squadron. But the inhabitants were wholly dissatisfied with their situation, preferring independence, probably, to any other political condition; but choosing to form a component member of the republic of the river Plate, rather than to be the subject of Brazil. One of the soldiers of Artigas, called Fructuoso Rivera, had entered the Brazillian service, and risen to the rank of brigadier. In concert with some private individuals in Buenos Ayres, he proclaimed independence April 27th, and speedily gain-



ed possession of Maldonado. Soon afterwards, a small force, headed by a patriot of some distinction, D. Juan Antonio Lavalleja, set out from Buenos Ayres, landed on the eastern shore of the river, and forming a junction with Rivera, liberated the whole Banda Oriental, except the towns of Monte Video and Colonia.

Intelligence of these events reached Rio by the middle of May; and the government promptly despatched a reinforcement of 1,500 men to the succor of Monte Video. Their timely arrival, saved the city. During the summer months, the hostile operations of the two parties were inconsiderable; but in most of the engagements which took place, the patriots were victorious; and their cause constantly and rapidly went on, acquiring solidity and support. They kept a body of men near Colonia, commanded by D. Ignacio Oribe, whilst Lavalleja threatened Monte Video, and Rivera carried on the war in the vicinity of the Rio Negro.

Under these circumstances, a provisional government was organized in June, which held its meetings in the village of Florida. They appointed D. Manuel Calles president of the province, and Lavalleja commander-in-chief, relying upon his influence to procure the protection of the government

of the United Provinces, or at least, aid from the inhabitants of Buenos Ayres. Whether Lavalleja acted upon his sole responsibility in undertaking the expedition, or not, does not appear; but, however this may be, the Orientalists received such assurances from him and other citizens of Buenos Ayres, that, in August, they passed resolutions, declaring their acts of submission to Brazil void, and demanding to be re-admitted into union with the provinces of the Rio de la Plata.

In the meantime, a Brazilian squadron commanded by admiral Lobo, arrived in the river, and despatched a communication to the executive government at Buenos Ayres, requiring explanation relative to the alleged interference of the republic, in behalf of the Banda Oriental. But Lobo having no proper credentials, the minister of the republic refused to hold a diplomatic correspondence with him, repelling, however, the charge of having assisted the patriots. Here the correspondence ended, with the admiral's signifying his intention of remaining off Buenos Ayres, to intercept any supplies designed to aid the insurgents, or act against Monte Video.

Without dwelling upon various skirmishes, and minor actions of no material consequence, individually, we come to the decisive battle of

Sarandi, which gave character and resolution, at once, to the revolutionists of the Banda Oriental. On the 12th of October, a body of Brazillian cavalry, consisting of two thousand soldiers, and commanded by colonel Ventos Manuel, encountered an equal force of patriots, on the coast of Sarandi, led by Lavalleja. The battle was a mere charge; for the patriots dashed impetuously upon the Brazillians, sword in hand, and fought with their sabres alone, until, in a short time, they gained a complete victory. The imperialists lost about 1,000 men in killed and prisoners, together with 2,000 stand of arms, ten pieces of artillery, their horses, and a great quantity of munitions of war; while the whole loss of the patriots but little exceeded 100 men. So remarkable a difference in the loss of the two parties, might induce the reader to suspect some exaggeration in the victor's account of the battle, did we not know its peculiar circumstances. The fact is, that the Brazillians advanced at a canter, with their carbines ready to discharge, and their sabres remaining sheathed, expecting their antagonists would approach in the same order, and fire previous to coming to close quarters. Lavalleja, on the contrary, caused his men to draw their sabres, leaving their carbines swung across their backs for protection,

and pushed them in among the Brazillians, at full gallop, regardless of the fire of the latter, so as to engage at once, hand to hand. The Brazillians, therefore, being taken unawares, had not sufficient time to throw away their carbines and draw their sabres, ere the patriots were in the midst of them, hewing down their disordered ranks.

Nothing could equal the rejoicings at Buenos Ayres, on receiving information of this splendid victory. The Argentine congress no longer hesitated what course to pursue. At their sitting, October 25th, they decreed to incorporate the Banda Oriental into the republic. Accordingly, the minister of foreign affairs notified the Brazillian government of this determination. He referred to the circumstance, that the inhabitants of that province, having recovered, by their own efforts, the freedom of the territory occupied by Don Pedro's forces, and established a regular government, had announced their solemn wish to be reunited to the Argentine provinces. The republic could not, without injustice to itself, abstain from the exercise of its indisputable rights to the province, nor leave its inhabitants to their fate. Congress had, therefore, resolved, that the Banda Oriental should be reincorporated in fact, with the United Provinces, to which it of right belonged, and

desired to belong ; and stood pledged to provide for its defence and security. The republic did not seek a war with Brazil, and would strike only in self-defence ; but would resolutely exert all the means in its power, to maintain the integrity and inviolability of its territory.

Pedro did not long delay in making a formal declaration of war, against the republic. Both among Brazillians and foreigners, but one sentiment existed, in regard to war ; all thinking it impolitic and unjust, and fearing it would be fatal to the imperial dynasty, if long continued. Nevertheless, the declaration of war was issued, December 30th, and the most vigorous efforts made for prosecuting it with effect. Pedro declared Buenos Ayres, and the other ports of the republic, in a state of rigorous blockade. In Rio, all were engaged in fitting out the navy, and enlarging the army ; and to supply them with men, the government resorted to the odious expedient of impressment by force.

To judge of the lawless and arbitrary proceedings of the government on these occasions, a single incident is sufficient. The province of Ceara was suffering for want of provisions, occasioned by drought. The president of that province offered Pedro 2,000 recruits ; and the latter immediately chartered vessels, for the transport

of the people, who were indiscriminately seized by the soldiers. Their orders were, to impress and convey to prison, every freeman, able to bear arms, until the requisite number should be obtained. By such cruel means it was, that Pedro procured the supplies for his naval and land service.

Connected with the declaration of war, was a document of the same date, setting forth the reasons, in vindication of the measure. Pedro alleged that the province of Banda Oriental, was a member of the Brazillian empire, by right of conquest from Artigas, and by the subsequent acts of its inhabitants, who had voluntarily annexed themselves to Brazil. He denied, that the Argentine republic had any claims upon the territory, because Buenos Ayres and the Banda Oriental being alike insurgent Spanish colonies, neither of them possessed any rights of supremacy over the other. Finally, he accused the republic, of having excited Fructuoso Rivera to revolt, and furnished Lavalleja with resources to fan the spark into flame. These are, in brief, the fundamental grounds, upon which Pedro rested the justice of his cause, in his long and circumstantial manifesto.

The simple truth is, that neither Buenos Ayres nor Brazil has any substantial title to the Banda Ori-

ental. When the revolution took place, Monte Video, with its dependant territory, was utterly averse to continuing subject to Buenos Ayres. It was the desire of the inhabitants to have an independent government. It was their right, so far, at least, as respected any claim of supremacy, from other Spanish provinces. Hence arose the success of Artigas. He could never have maintained himself independent of Buenos Ayres, had not the wishes of the Orientalists been with him. On the other hand, Brazil possesses not the shadow of a right to one foot of the territory, which it is seeking to hold. Hostile aggression, invasion, and conquest, it is true, gave the king of Portugal a species of title; but it was not one, which the conquered, themselves, were under any obligations to respect. They reluctantly submitted to the Brazillian yoke, until a favorable occasion came for shaking it off; and we heartily wish they may achieve their independence of such a government.

The Banda Oriental, in the hands of Brazil, will continue to be a wild, half-peopled waste, and a constant source of contention to the neighboring powers. We care little, therefore, whether it becomes permanently a member of the Argentine confederacy, or obtains a separate government of its

own; desirous only, in either event, that it may be released from the arbitrary rule of Don Pedro.

We do not purpose to attempt giving, at present, a narrative of the military or naval operations of the last year, which have not, thus far, produced any decisive result. It has been alike prejudicial to the affairs of Brazil, and of her antagonist. Whilst Pedro has maintained a blockade, more or less effectual, of the river La Plata, the Patriots, on the other hand, cut up the Brazillian commerce, with their privateers and swift sailing cruisers. The republic, however, acts rather on the defensive, except in the Banda Oriental itself, all of which remained in the hands of the patriots at the last advices, save only Monte Video and Colonia. These two places, continued in the same condition, at the end of the year, as at the commencement of the war; held by the Brazillians, but invested by the Patriots, with such means of maintaining a siege as they could command. On the sea, admiral Brown, the chief of the naval forces of the republic; has compensated, by his bravery, activity, and address, for the inferiority of his navy, and obtained many brilliant advantages over the Imperialists. Should he be joined by the Chilian squadron, according to expectation, their united strength would enable him to undertake

some enterprize of magnitude. Towards the close of the year, the emperor himself sailed from Rio, for the purpose of prosecuting the war in person with renewed vigor ; and the Patriot army, in the Banda Oriental, under general Alvear, was preparing for a movement upon the province of Rio Grande.

By the prosecution of the war, as must be readily perceived, the commerce of neutral nations undergoes much inconvenience. It is more prejudicial to France and Great Britain, than to the United States ; but it leads to repeated collisions, of no very pleasant nature, between our citizens and the Brazillian officers. We have mentioned the introduction of the press

gang into Brazil,—a mode of raising soldiers and mariners well suited to the genius of that government, which persists to the last in sanctioning the slave trade, when it is declared infamous by law among all other civilized nations. Pedro's mercenaries, in the prosecution of their arbitrary levies, have more than once had the audacity to impress Americans. But this abuse is of more limited operation, than the futile attempts of the emperor to enforce a paper blockade, which the United States have steadily resisted, and, we trust, will never cease to resist, whatever high examples of European authority, Pedro may allege in vindication of a principle so absurd.

## CHAPTER X.

**GREAT BRITAIN.—Ministers—Parliament 1825—Address—Catholic Association—Catholic Relief. Finance and Trade—Other Laws—Greeks—Treaties—Pecuniary Distress—Parliament 1826—Currency—Finance—Slavery—Miscellaneous—Pecuniary Difficulties—Sufferings of Manufacturers—Dissolution of Parliament—Elections.**

Of all foreign nations, the most interesting and instructive as a study for American statesmen, is England. It was the land of our forefathers, who, while they fled here for refuge from the cruelty, injustice, and bigotry of their mother country, brought with them too many of its institutions for their posterity to lose entirely the feelings of association with a people having a common language, a common origin, and kindred laws and literature. Our forms of legislation are borrowed in a great measure, from the English. Parliamentary eloquence is the same thing here that it is there; it is embodied in the same rich, copious, expressive, nervous tongue; it speaks to the people in either country, through the organs of the press, and bears the same vivid impress of popular oratory; it is attached, in no small degree, to the same topics of discussion. We are the rivals each of the other in maritime commerce, as we are in naval glory; and the leading measures of our internal

policy, have like objects, to wit, the encouragement of the sister arts of agriculture, manufactures, and commerce. We, however, enjoy the peculiar blessing of a republican government, which ensures to us equal rights, and enables us to employ our resources and faculties with the least restraint consistent with the maintenance of civil order. Economy, and frugality, also, as much distinguish our administration of affairs, as the opposite qualities do the practice of the British empire. But the very differences in policy between the two countries, constitute a source of instruction to us. We shall therefore devote a larger space to the history of Great Britain, than that of any other country will require.

During most of the period embraced by our plan, Great Britain has been at peace with all the world, if we except some slight contests in Western Africa, and the Burmese war, waged by her dependencies in the East Indies. Her measures of foreign policy will,

therefore, demand less of our attention, than the internal condition of the country, and the state of its great pecuniary interests, which have undergone essential changes. A large portion of the matter belonging to the national history, either consisting of acts of parliament, or of incidents very fully discussed in that body, we shall begin with a brief review of the parliamentary proceedings of the year 1825, premising an account of some of the principal cabinet ministers.

The earl of Liverpool, is first lord of the treasury, and prime minister. From his advanced age, he is not presumed to bear so large a share of the duties of administration as some of his colleagues ; but is the principal organ of the ministry in the house of lords.

Lord Eldon has held the office of lord chancellor for a quarter of a century. He, like his brother, sir William Scott, now lord Stowell, has been eminently successful in life ; and though the earl of Eldon cannot be denied the gifts of great acuteness and learning, yet he seems to have outlived much of his usefulness, and injured his fame by too great tenaciousness of office. In his political character, he sturdily opposes improvements in trade, in law, and in foreign policy ; and the intolerable delays of his court, are the subject of great and merited

complaints. The appointments of a vice chancellor and a speaker of the house of lords, are expedients lately adopted for his relief from a part of the multifarious duties of the chancellorship.

The acknowledged head of the ministry in point of talents is Mr. Canning, secretary of state for foreign affairs. He was born in 1771, of respectable, but not opulent or distinguished parentage ; and after a legal education, he devoted himself to the career of politics. He came into parliament at an early age in 1793, under the patronage of Mr. Pitt ; and being distinguished for his literary acquirements and abilities, he speedily rose into notice. Under Pitt's ministry, he was introduced into office. On that great man's retirement in 1801, Mr. Canning also resigned his places ; but resumed office on Mr. Pitt's restoration, and held it until his death in 1806. Afterwards he was a secretary of state a short time, but resigned in consequence of a misunderstanding with lord Castlereagh. Towards the close of this nobleman's life, Mr. Canning and he seem to have become reconciled ; the former being made president of the board of control, and also accepting a mission to Portugal. When lord Londonderry suddenly died by suicide in 1822, Mr. Canning was preparing to go to India, in the capacity of governor general.



But in September, he was created foreign secretary, although not without opposition from some members of the cabinet; and it was said from the king himself. By the liberality of his foreign policy in that office for the last four years, he has, on the whole, and as compared with his immediate predecessors, obtained the general approbation of his countrymen.

Mr. Huskisson, president of the board of trade, and Mr. Robinson, chancellor of the exchequer, have acted in unison in their views of trade and finance, which accord, in some respects, with those of the political economist of the liberal school. Their plans have been, as yet, but partially introduced; and the merit of them is still in the course of trial.

The home secretary, Mr. Peel, is chiefly remarkable for parliamentary talents, and those are generally exerted on the high church side, of all political questions.

The other members of the cabinet are, lords Harrowby, Westmoreland, Melville, Wellington, Bathurst, Bexley, and Sidmouth, and Mr. Wynn. To these personages, public opinion ascribes a part subordinate, in some degree, to that of their colleagues, in the great measures of public policy.

The marquis of Wellesley, appointed lord-lieutenant of Ireland, in December, 1821, has held that

office to the present time, with varying fluctuations of popularity, according to the stormy vicissitudes of Irish politics. By the splendor of his achievements, when lord Mornington, and governor-general of India, he is widely known; although since outstripped, in the career of fame and fortune, by his younger brother, the duke of Wellington. A succession of decisive victories over Tippoo, Sindia, and Holkar, and other great advantages gained from the native chiefs, render lord Mornington's administration of India, one of the most brilliant epochs in its history.

The year 1825, was signalized by a political event, which had been for some time anticipated,—the recognition, by Great Britain, of the independence of the states of Mexico, Buenos Ayres, and Colombia. They were already independent, in fact; and the acknowledgment of their sovereignty, by the United States, drew after it a similar act of justice from England. Indeed, the commercial interest of the kingdom loudly demanded the measure; the expediency of which, was not less manifest, than its justice and generosity. It excited much speculation in France; and Sr. Zea Bermudez, the Spanish prime minister, protested against it, in a long state paper, which was ably answered by Mr. Canning.

Parliament was opened, February 3d, 1825, by commission from the king. The speech congratulated the two houses upon the great prosperity of the nation ; all whose interests were declared to be in a thriving state. The external condition of the country, excepting the war in India, was stated to be eminently peaceful and happy, and that the government continued to receive from all foreign powers, assurances of their unabated desire to preserve the general tranquillity. The principal inquiries recommended in it were, the state of Ireland ; the evils arising from the religious associations of that distracted country ; and the farther encouragement of trade, by the removal of inconvenient restrictions.

The regular addresses were moved in the lords and commons, in answer to the speech from the throne. It was really difficult for the opposition members to find topics of censure against the ministry, so tranquil had been the state of the country, and so generally acceptable the conduct of the ministry. Still, to keep up the routine of opposition, the addresses were resisted. The chief topic of complaint was, the oppression of the catholics. Beside this fertile subject of angry debate, little could be found to object to, in the measures of the government. Mr. Brougham was, therefore, less hap-

py than usual ; and, in yielding his praise to the liberal policy of the ministry, undertook to claim their late acts, as the suggestion of the opposition. Mr. Canning replied with uncommon felicity, and poignancy of humor. In the course of his retort, he said :—

“ As in the progress of his parliamentary life, the gentleman had proposed and supported every species and degree of innovation which could be practised in a settled government, it was not very easy for ministers to do any thing in the affair of South America, or any other, without seeming to borrow from the gentleman. In the reign of queen Anne, there was a sage and grave critic, of the name of Dennis, who got it into his head, that he wrote all the good plays that were acted at that time. At last a tragedy came forth, with a most imposing storm of hail and thunder. At the first peal, ‘ That’s my thunder,’ said Dennis. So with the learned gentleman ; there was no noise or stir for the good of mankind in any part of the globe, but he instantly claimed it for his thunder.”

At that time, indeed, the ministry had good reason to use a bold tone in their discussions with the minority ; as the flourishing and tranquil condition of the kingdom, naturally reflected some credit on their management of affairs.

The principal manufactures were in full operation ; agricultural distress no longer met the eye ; money was abundant for all the purposes of trade, and overflowed in various speculations, which gave a temporary activity to the mercantile classes, although followed, in the sequel, by unexpected and ruinous pecuniary difficulties. The great subject of debate, in parliament, was the situation of Ireland, and, more especially, its catholic population, which had but partially recovered from its late disturbed and suffering state, entailed upon it by poverty, oppression, and improvidence. That afflicted island was now comparatively tranquil ; and the catholic association, who claimed the merit of this, deemed it a favorable occasion, once more, to seek for the removal of the catholic disabilities, that stigma upon the principles of the English government. But the earliest important act of parliament, was aimed at the very existence of that association itself.

The catholic association was a body of Irishmen, chiefly catholics, voluntarily associated for the protection of the catholic population of Ireland ; for promoting the great cause of their emancipation ; and for redressing all grievances affecting the island. It levied sums of money from the catholics, to be used in these objects ; and, at this period, became peculiarly obnox-

ious to the notice of the government, by the energetic language used at its meetings. It began to act in 1823, and now embraced a numerous body of the Irish gentry and aristocracy. It pursued the parliamentary forms of proceeding ; and its debates being public, it soon rose to be the rallying point of all the hopes of the Irish patriots ; who remembering the time, when the interests of Ireland were protected in an Irish parliament, turned to this association with all that fondness, which men feel at the restoration of that, which has been to them lost for years. Among its members were some, probably, who, indignant at the wrongs of their country, overstepped the bounds of moderation in their tone, perhaps in their views ; but the great bulk of them were men of pure characters and upright intentions. Foremost in name and talents, was Mr. Daniel O'Connell, a catholic barrister, of an ancient Irish family, who nobly sustained the cause of his religion and his country. Constituted in this manner, having complete organization throughout the island, and agents or correspondents in every district, it necessarily exercised a powerful influence over the feelings, if not the condition, of Ireland.

A bill was introduced by Mr. Goulburn, in the beginning of the session, declaring unlawful, all associations of this nature, which after

long debates, in each house, was finally passed by large majorities, and received the royal assent. It had the undivided support of the ministry; several of them, who were in favor of catholic emancipation, thinking, nevertheless, that the association ought not to exist. The catholic association yielded to the law without a struggle; but a new one was immediately formed, of a nature not to conflict with the statute. Whilst the new association was founded expressly upon the principle of not assuming to act for the redress of grievances, in church or state; nor assisting in the prosecution or defence of causes, still innocent objects enough remained, to occupy its attention. These were, the promotion of public order in Ireland; the encouragement of liberal systems of education; assisting in the erection of catholic churches; and disseminating works in vindication of the character, principles, and conduct of catholics.

The debates on this subject, were only preliminary to a much more serious effort, in behalf of the catholics. Their claims had been resisted, year after year; and the disorders, which Ireland was fated to undergo, instead of opening the eyes of the government, and of parliament, to the crying injustice of condemning five sixths of the population of that island, to political disqualification forever, seemed to have had the contrary effect. But the English

ministry now contained more liberal elements. Mr. Canning being known to be favorable to the cause of tolerance, and common sense, great reliance was placed upon his talents, his popularity, and his influence in the cabinet, and in parliament. The Irish catholics, therefore, and their friends, combined to make a deliberate and serious attempt, to gain admission to the rights of British subjects.

In order to render the measure of emancipation more palatable to the Orange party in Ireland, the question was brought forward in a new shape. Three resolutions were introduced in the house of commons; one, to remove the disabilities; another, to make provision for the clergy of the catholic church; and a third, to raise the qualifications of voters, so that the protestants need not be suddenly overwhelmed at elections, by the great majority of the catholics. The two latter measures, being entirely subsidiary to the first, and familiarly called the *two wings*, were abandoned, when the fate of that was ascertained, and therefore, we may confine our narrative to the history of the leading resolution.

It was offered in the house of commons, March 1st, by sir Francis Burdett, who had been selected by the catholic association, to bring forward their petition for relief. He moved the appointment of a committee, to consider the state of the

laws on the subject, which he supported by a speech, at once temperate and eloquent, and was followed by several distinguished members, on the same side, among whom, Mr. Canning, and Mr. Plunkett, of the administration, and Mr. Brougham, of the opposition members, took a leading part. They were opposed by Mr. Peel, and others; but the motion was carried, by a majority of 247 to 234.

A bill was accordingly reported, which set forth, that certain laws existed, requiring all persons, previous to entering upon office, to declare their disbelief in transubstantiation, the invocation of saints, and the sacrifice of the mass; declaring that those declarations should no longer be exacted, as a qualification for office; and substituting in their place, an oath to support the act for the Hanoverian succession, and a disclaimer of all those doctrines, which had been imputed to the catholic church, that were incompatible with the Protestant succession to the English crown. The bill contained other provisions, for the better protection of the rights of the crown, as well as of the subject. It was read the first time, without debate; but underwent an animated discussion in the second reading. On this occasion, was witnessed the somewhat novel spectacle of an

amicable division of the ministry, upon a question of so much importance. Mr. Canning maintained the provisions of the bill in a most elaborate and finished speech, triumphantly defending the catholics, and indeed the cause of religious tolerance in all its bearings. On the other hand, his colleague, Mr. Peel, attacked the bill, with equal ardor, and with ingenuity, ill exerted, in behalf of tory and high church principles. The second reading was carried, by a majority of 268 to 241, and the hopes of the catholics were justly raised and excited, by the seemingly auspicious prospect, of their approaching emancipation.

But in the mean time, an incident occurred, which proved conclusively, that their reasonable expectations, were to be most unhappily disappointed. The Duke of York presented, in the house of lords, a petition of the dean and canons of Windsor against catholic emancipation, as an occasion for expressing his sentiments on the subject. His principal argument consisted in his construction of the coronation-oath, which, as he contended, prevented the concession. Stale and futile as this objection was, an objection which even lord Liverpool admitted, had no weight, it was gravely urged by the Duke of York, who, it is to be remembered, is heir presumptive of the

crown. He concluded his speech, with the following extraordinary expressions :

“These are the principles to which I will adhere, and which I will maintain, and act up to, until the latest moment of my existence, *whatever may be my situation in life*—So help me God.”

Notwithstanding the absurdity of this speech, and its ridiculous inconsistency, with the moral character of the prince, it produced a strong sensation, throughout the country, and materially influenced the fate of the bill, which, although it passed the commons, was lost in the house of lords, by a vote of 178 to 130. A decision, so fatal to the hopes of the catholics, was brought about, by the unwearied efforts of the tory party. To Americans, accustomed to the blessings of religious freedom, it seems extraordinary, that the peace of Ireland, and the harmony and prosperity of the British kingdom, should continue to be jeopardized, by inveterate jealousy of the catholics, as dishonorable in itself, as it is pernicious in its consequences.

Such was the undeserved fate of the catholic petitions from Ireland. No effective measures were taken, for the relief of that unhappy kingdom, although its distresses, continually breaking forth into disorders of every kind, demanded the speediest consideration. A committee of the house of lords was,

indeed, appointed to inquire into the state of Ireland, generally, who reported a voluminous mass of evidence upon the subject ; but nothing decisive grew out of the inquiry. A fruitless attempt was made in the house of commons, by Mr. S. Rice, to obtain copies of despatches from the lord lieutenant, concerning the origin, nature, and effects of religious animosities in that country. Mr. Hume, also, endeavored, in vain, to procure an examination of the possessions of the Irish protestant church. The propositions were negatived ; but on motion of sir John Newport, an address to the king was voted, for the purpose of remedying abuses in the charter schools, in Ireland. But, while the friends of Ireland, failed in the great objects of their ambition—the effectual change of the political condition of its inhabitants,—their endeavor was not without its beneficial consequences. The opposition of lord Liverpool, of the duke of York, of Mr. Peel, and of the bigoted protestants in general, had produced a result, contrary to the wishes and conviction of the unprejudiced and reflecting, of whatever denomination, who now spoke but a single sentiment, and that strongly in favor of emancipation. In such a manifestation of the better feeling of the English people, and in the extended knowledge of their sufferings, and their rights, produced by the discussion,—the Irish felt re-

warded, in some slight measure, for their patriotic exertions.

We pass from this topic to the acts of the session, respecting the finance and trade of the kingdom. The chancellor of the exchequer, in his exposition of the state of the finances, calculated the whole produce of 1825, would be 56,445,370*l.*, and the expenditure less than the receipts by half a million; leaving five and half millions appropriated for the sinking fund. He proposed to apply the surplus revenue to three objects; the first was to extend commerce, by facilitating the consumption of foreign produce in the country; another, to increase the means of checking contraband trade; and lastly, the remission of a portion of direct taxes. He therefore proposed, for the attainment of the first object, a reduction in the duties on hemp, coffee, and wine, estimated at 480,000*l.*; and to prevent smuggling, he proposed to admit whiskey from the British colonial possessions. Motions for the repeal of sundry direct taxes were negatived, however, by the commons.

Connected with this subject, are the acts effecting commerce, passed at the suggestion of the ministry. Mr. Huskisson resisted a motion for the modification of the laws, excluding foreign grain; but he proposed, in accordance with the plans which he had adopted, some alteration in the colonial policy and in

the system of protecting duties, designed for the relief and assistance of the shipping interest.

His improvements in the colonial policy were several in number, and all carried into effect with scarcely any modification. One of them was directed against the United States immediately; and has acquired great importance by reason of subsequent measures of the two countries, as we have already mentioned in the introductory chapter. An act existed, of limited application in respect of the commodities to which it attached, authorising intercourse between any countries in America, and the British colonies there, in the ships of those countries, or in British ships, provided the intercourse between the foreign country and the colony, was direct. The act farther permitted a direct trade in British bottoms, from the colonies to foreign ports in Europe. It was considered that the provisions of this act, in favor of foreign shipping, were chiefly beneficial to the United States, which alone possessed a large commercial marine. In obedience to the system of reciprocity, which the United States uniformly have acted upon, and endeavored to make universal, congress enacted a law imposing an alien duty upon British vessels trading between American ports and British colonies, to be levied until the productions of the United States should be admitted in the colonies



on the same footing with the productions of all other countries which was not then, and is not now the case. This principle, so plainly implied in the system of reciprocity, Mr. Huskisson stigmatized as unheard of in the commercial relations of independent states. The British government he said, as a measure of retaliation, had imposed like duties on American shipping in like circumstances; and he proposed to open the colonial ports to the ships of all foreign countries, for trade in the production of those countries and the colonies; reserving to British shipping exclusively the trade between the respective colonies themselves, or between those colonies and the mother-country, whether the intercourse was direct or circuitous.

The foregoing, was not the only occasion during this session in which might be remarked a growing jealousy of the commercial prosperity of the United States. An additional measure of public policy, having indirectly an important bearing on this country, was the extension of the warehousing system to the colonies. Great Britain was well aware of the value of the South American trade; and of the advantages in relation to it, which we derived from our proximity to the new states. She, therefore, speedily followed up our recognition of their independence, by a similar act, in the apprehension,

that otherwise we should acquire possession of exclusive commercial privileges in the Spanish American ports. Farther to rival us therein, Mr. Huskisson proposed to allow merchandize from all parts of the world to be entered in the colonies, bonded, and deposited in warehouses without payment of duty; until proper opportunities should occur to sell, or export it to advantage.

From these measures, he anticipated the establishment of a new course of trade in the colonies; and incidently an increase in the value of property therein, and improvements in the moral condition, comfort and security, of the inhabitants.

In addition to this, provision was made for the free importation of corn from Canada, subject to a duty of 5 per cent., for the space of two years.

Mr. Huskisson had already, on several occasions, declared his intention to qualify, as the state of the kingdom would permit, the duties imposed on various articles, for protecting manufactures and other branches of domestic industry. He proposed a small reduction in the duty upon cottons, woollens, glass, books, metals, and sundry manufactured articles, which was accordingly made. But it is observable that, in making these reductions, Mr. Huskisson was sedulous to keep within such limits as to leave the staple manufactures untouched. The British process to be convert-

ed to the principles of free trade ; but in no instance do they leave room for the foreign producer, to bring his goods to market at such a price, as to compete with their domestic industry. These changes in policy, were therefore greater in name, than in substance.

Accompanying these measures, were some for the encouragement of navigation, operating upon that exclusively ; such as repealing the duty on the transfer of vessels ; paying all British consuls, by a fixed salary, in lieu of fees ; the abolishment of quarantine duties ; and others, which it is sufficient to allude to, thus generally.

Among the important public acts of the session, we may mention the law against combinations to produce any change in the rate of wages, by threats, coercion, violence, or any thing in the nature of intimidation ; the law protecting an innocent bailee, or purchaser, in contracts with an agent, not duly authorised ; and the acts consolidating the laws relating to juries, and bankruptcies, introduced as part of a design entertained by Mr. Peel, for the gradual consolidation of the laws. A bill allowing Unitarians to be married by clergymen of their own persuasion,—a privilege most reasonable in itself, and long enjoyed by some sects of dissenters, was rejected, as was a bill for the repeal of the usury laws.

Some discussion took place in respect to the court of chancery ; the abuses of which, arising either from the nature of its proceedings, the personal character of the lord chancellor, the great variety and complication of his functions, or all these, and other causes combined, constituted the sorest grievance in the judicial administration of the kingdom. But the friends of lord Eldon would not consent to any change in the law ; until the commission on the subject, appointed in 1824, should make its report.

Finally, a law was passed, for fixing the salaries of the judges ; giving to the chief justice of the king's bench, a salary of 10,000*l* ; to the chief baron, 7,000*l* ; to the chief justice of the common pleas, 8,000*l* ; and to each of the puisne justices and barons, 5,500*l* ; together with a suitable retiring pension.

We have now passed in review, the material proceedings of parliament, of a public or political nature. But its attention was by no means occupied by these subjects alone. The cheapness of credit, and the great quantity of capital, seeking investment, at this period, caused the applications for private acts, to be uncommonly numerous. No less than two hundred and eighty-six were actually passed. Twenty-six petitions for rail-ways, were presented ; and it was calculated,

that all the rail-roads in contemplation, if constructed, would consume iron to the value of twenty-eight millions. We mention this fact, to show the excess of the spirit of speculation, to which we have already referred, and whose pernicious effects we shall have cause again to notice, in the sequel. The session closed the 6th of July.

Early in the autumn of this year, the king issued a proclamation, prohibiting any of his subjects from taking part in the contest between Greece and Turkey; from fitting out ships, or exporting munitions of war, for the assistance of Greece.

The foreign relations of England, during the year 1825, offer but little to attract our notice. Several treaties were concluded, however, of which a brief account may be relevant. The first, was a treaty with Russia, dated February 28th, relative to the trade of the two countries on the northwest coast of America. It stipulated for the common right of the ships of the two nations, to navigate, and take fish, in all the waters of the Pacific ocean; established the line of demarkation between their respective possessions; and gave to each party, the benefit of traffic with the natives.

A treaty was concluded with the Hanse Towns, September 20th, conferring on the ships and productions of each state, equal com-

mercial privileges, in the ports of the other.

During the same year, treaties of amity, commerce, and navigation, were concluded, between Great Britain, and the American states of Brazil, Colombia, and Buenos Ayres. Besides these, there was a separate treaty made with Brazil, providing for the abolition of the slave trade from Brazil, in four years after the exchange of ratifications of the treaty; and declaring slave trade, in the vessels of either country, subsequent to that time, to be piracy.

During the last month of 1825, a panic in the money market, caused the failure of several respectable banking houses in London, and a great number in the country. At one time, Lombard-street was nearly filled with persons, hastening to draw their money from different banks, or anxious to learn the fate of commercial houses. Bankers had been induced, by the cheapness of credit, and low rate of interest, in 1824, and the beginning of 1825, to invest their funds in securities, which could not be readily converted into cash. Of course, when a run upon them came, some, even, although perfectly solvent, were compelled to stop payment, from the impossibility of instantly raising sufficient money to meet the pressing demands of their creditors.

The distress very soon subsided

in London ; but in the country, its effects were longer felt, and fell upon persons less able to bear their losses. A great number of private bankers, many of them with little or no capital, engrossed the whole circulation of their respective districts ; and bank after bank became insolvent, involving the laboring classes in their ruin. By these means, the entire currency of the country, was completely deranged. In a multitude of cases, all the savings of the lower classes, consisted in a few one pound notes, issued by private bankers, who had no resources, to meet a sudden pressure. Hence, the misery there, was truly deplorable, and called for the immediate aid of government.

Several cabinet consultations were held, and efficient measures to restore the circulation adopted. It opportunely happened, that bullion was lower than the mint price ; and the officers of the mint were ordered to expedite the coinage of sovereigns, with all possible despatch. Gold was coined at the rate of 100,000 sovereigns a day ; and for one week, at the rate of 150,000 ; and sent off to the country, in every direction. But the coinage of gold, did not prove sufficient to supply the chasm in the circulation, occasioned by the failure of so many banks. Indeed, the issue of country paper, had been estimated at eighteen mill-

ions ; and to supply the deficiencies which bankruptcies had occasioned therein, the bank of England made temporary issues, of one and two pound notes ; and by these means, the progress of the evil was partially arrested.

Much of this pressure in the money market, arose from unfounded panic, and want of confidence in capitalists, and merchants. When it came on, trade was flourishing, the revenue increasing, and the credit of the government, and of the bank of England, unimpaired. But an immense sum of money was sunk in joint stock companies ; and a series of ruinous speculations, had thrown suspicion over all similar transactions. No returns could be had from a variety of foreign loans, which had drained the bankers ; importations of cotton, wine, and silk, had been suddenly augmented, far beyond the usual amount, and beyond the wants of the country. These causes turned the rate of exchange against England ; induced the bank to diminish its discounts ; produced fluctuations in the funds ; and in the end, suspicion beginning to arise, led to sudden calls for payment, and pecuniary embarrassment, as the necessary consequence.

But these alarms among the mercantile classes, in the usual operation of things, ere long, subsi-

ded, and credit became reinstated, in its customary channels. Some falling off in the revenue, was occasioned by the stagnation in business, consequent on the panic, but only during the quarter in which the pressure existed; and in the aggregate there was no diminution.

Parliament assembled, February 2d, 1826. The session was opened by commission; and the chancellor being absent, lord Gifford presided as speaker, and read the king's speech, which was chiefly occupied in calling the attention of parliament to such causes of the late commercial embarrassment, as might be within its control. It alluded to the peaceful state of the nation, and all its dependencies, save the continuance of hostilities in India; and mentioned the desire of government to improve the condition of Ireland, which was now tranquil, and in a course of gradual advancement.

Addresses, according to custom, in answer to the speech, were moved and carried in both branches of the legislature. The debates on the subject, turned chiefly upon the state of currency, as connected with the adoption of measures calculated to relieve the merchants and manufacturers. All classes of men were anticipating the meeting of parliament with extreme anxiety, expecting that the mi-

nistry could immediately devise and accomplish something, which would speedily and effectually remedy the existing evils. But the opposition members contended, that the plans proposed by the administration, and of which we shall presently give an account, were but partial and unsatisfactory. They appear, however, to have expected more from the government, than it could possibly accomplish. Legislation could never completely, and at once, restore the system of trade and all its dependant interests, to a healthy state, after the total derangement which they had undergone.

The scheme of the ministers, for restoring a sound and safe currency, consisted of a very simple expedient. They proposed, first, to call in all small notes, and substitute a metallic currency in their place; and secondly, to allow chartered banking companies to be established at the distance of not less than sixty miles from London; the bank of England being also authorised to fix branches in the country.

Bills were accordingly introduced, for carrying these designs into operation. They enacted, that all promissory notes, payable to bearer on demand, issued either by licensed banks, or by the bank of England, for a less sum than £5, bearing date previous to October 10th,

next ensuing, might continue to be issued, reissued and circulated, until April 5th, 1829, and no longer; they provided for preventing the issue of any other notes, for a less sum than £5; and authorised the establishment of country banks, consisting of a greater number than six partners, in addition to branches of the bank of England.

So salutary were these measures deemed, that, immediately after the passing of the resolutions upon which they were founded, the funds rose, and new life seemed to be infused into the mercantile interest.

On opening the budget, the chancellor of the exchequer stated that he felt bound, by reason of the state of trade, to enter with great fulness into the situation of the national finances. In order to show that the depression which now existed, did not argue any permanent decline in the prosperity of the country, he gave an exposition of the produce of the taxes of every kind, since the year 1816. The total reduction of taxation, since 1816, was 27,522,000; but still the revenue was diminished only 6,000,000. From this, it appeared, that the other taxes had advanced in amount 21,000,000; which he ascribed to the increased consumption of the country, the surest indication of stable prosperity.

It being understood, that the present parliament was to be dissolved shortly, and writs issued for another election, a variety of subjects of importance were, by common consent, deferred for the determination of the new parliament. The consideration of the chancery practice; of the corn laws, and of the usury laws; a bill for consolidating into one act the statutes, being ninety-two in number, relating to theft, introduced by Mr. Peel; the affairs of Ireland; and several other subjects, received this destination. The affairs of Ireland could not be taken into consideration; as the distresses among the English merchants at the beginning of the session and the still greater distresses among the manufacturing poor, which, as we shall presently state, came on afterwards, incessantly engrossed the time and care of parliament and of the ministers.

Many petitions were presented for the abolition of negro slavery and the slave trade, and the melioration of the condition of slaves in the colonies. Mr. Canning strongly insisted upon a plan for the gradual improvement of the colonies, maintaining that none other was consistent with the safety of those possessions, and none other could be effected, without doing gross violence to the rights of the West India proprietors. And, although

the ministers were greatly censured for adhering to this principle, partly by men, whose only aim was to thwart the measures of the administration, and partly by members of just intentions, but visionary and impracticable notions; still the side of equity and good sense prevailed. It continued to be the fixed determination of the ministry, to act upon the scheme, arranged in 1823 and 1824, for the benefit of the black population of the colonies; but not to be precipitated into any rash and hasty acts.

Before coming to the prorogation of parliament, it may be proper to recount a few political incidents, which occurred during the session.

Intelligence was received, that Great Britain had exacted from Spain, the promise of indemnity, for spoliations on English property by pirates, and others, under cover of the pretended blockade of the Spanish Main, by the royalists. The government of Spain had procrastinated its decision in this matter, as it has been wont to do, in regard to all its public difficulties; but instructions were given to Mr. Lamb, the English minister at Madrid, to require a decision in twenty-four hours; and, in case of refusal, to declare that England would immediately order reprisals upon Cuba and Puerto Rico. This

spirited proceeding produced the desired effect.

Some alarm was felt for the life of the king, he being attacked with a severe fit of the gout. Bulletins of the state of his health were issued for a time, but soon discontinued, on account of his convalescence. His death would have been extremely unwelcome; because it was feared the accession of the duke of York, might lead to a change in the cabinet, and the adoption of a less liberal state policy.

A convention was concluded between Great Britain and France, for equalizing the tonnage duty chargeable on vessels of both kingdoms respectively, in the direct trade between the two countries, and for a reciprocity of duties on merchandize. A similar arrangement was, also, effected with Prussia.

Commercial and banking houses continued to feel the effects of the pecuniary pressures of the winter. The eminent banking house of B. A. Goldschmidt suspended payment in February; and occasioned embarrassment in respect to some of the foreign loans, for which they were contractors. The home trade suffered much depression, arising, in a considerable degree, from the deficiency of the local circulating medium, produced by the insol-



vency of the country bankers. It affected the dealers in linens, cottons, and calicoes most severely. Applications were made to the government, for assistance to the mercantile interest, in the shape of a loan, of five millions; which the ministers declined granting. They threw into circulation, however, two millions of money, by causing exchequer bills to that amount to be bought up by the bank of England.

Repeated and urgent applications had been made to the bank, by merchants, for advances, by way of loan, upon the deposit of merchandize. At length, at the recommendation of the ministry, the bank agreed to make advances, in this manner, for the period of three or four months, according to circumstances, to the amount of £3,000,000 sterling. This assistance was confined, however, to persons who had not become involved in pecuniary embarrassment by over-trading, or by chimerical speculations. The consequence was, that, up to the end of March, the whole amount of advances was very inconsiderable, not exceeding a quarter of a million sterling.

In the mean time, the operation of these commercial embarrassments had descended to a class of people less able to meet a temporary pecuniary pressure, name-

ly, the manufacturing population. Owing, in part, to the late derangement of the currency, and of credit in the country; but still more to the diminished demand for British manufactures, and the overstocked state of the market, many manufactories had been compelled to discharge their workmen, and suspend their business. The consequent suffering felt in the great manufacturing districts, was deplorable. Driven by despair, the famishing workmen, ascribing their misery to the use of power looms, broke out into the most violent disorders, entering the different workshops, in the very presence of the military, and, reckless of their lives, proceeding to the destruction of the looms. In these tumultuous scenes, a number of lives were unfortunately lost, and many rioters committed to prison. At length, by the prompt movement of troops upon the convulsed districts, and by the liberal distribution of benefactions among the perishing families, outward tranquillity was restored, and the spirit of disorder kept under, if not eradicated.

Large sums of money were voluntarily contributed for the relief of the manufacturers. The king presented 12,000*l* from his private purse. In London alone, the sum of 100,000*l* was quickly subscribed.

Meetings were holden all over the country, and every thing done, for alleviating the distresses, which humanity could dictate, or liberality execute. Wholly to remove them, was impossible.

The consideration and adoption of suitable measures in parliament for relieving the manufacturers, formed the prominent business of its concluding weeks. It was at first proposed to make a national grant of half a million, for immediate distribution among the sufferers. This idea, however, was relinquished; and nothing was done, but to enact a slight modification of the corn laws; and even this was vehemently resisted by gentlemen of the country interest. Nothing could be more unfeeling than their conduct. In the very districts where the keenest misery was felt, and where the poor were absolutely in a state of starvation from inability to pay the extravagant price of grain; the warehouses contained great quantities of bonded corn, which could not be brought into the market, owing to the rigorous prohibitions of the corn laws.

Bills were accordingly introduced in the house of commons, and after a strenuous opposition passed into laws, provided for the sale of bonded corn, on payment of a duty of 12s. the quarter; and which also provided for a farther importation of foreign corn, during the recess

of parliament, if in the opinion of the cabinet it should be deemed necessary. The amount of bonded corn in the sea ports was about 300,000 quarters; and the ministers were authorised to introduce 500,000 quarters more into the market; so at least, as Mr. Canning observed, to do away the impression, that the people were famishing in the midst of plenty.

On the last day of May, parliament was prorogued by a speech from the lord chancellor, in behalf of the king. He applauded their public spirit in promptly endeavoring to relieve the sufferings of the manufacturers, which, he trusted, were in the course of gradual abatement. At the same time, he gave information of his intention immediately to dissolve the present parliament, and cause writs to be issued for a new election, at a period, which seemed most convenient for that purpose.

The writs were made returnable July, 25th. Previous to that time, the progress of the elections constituted, of course, the engrossing object of interest in the civil history of the country. It is not probable that any material change took place in the political complexion of the new house; and we need not enter, therefore, into a minute detail of the incidents attending the elections. The venality of the electors was not less remarkable

than upon similar occasions; and in some places, the greatest disorders were committed. At Preston, the notorious Cobbett appeared as a candidate; and displayed, but unsuccessfully, his characteristic felicity in the art of abusing his opponents. His brother reformer, Hunt, was also run against sir Thomas Lethbridge, at Ilchester; but failed. It was observed that the spirit of hostility to the catholics had somewhat diminished since the last election; and did not form so

potent an engine of electioneering as it did then. At Cambridge, for instance, the "no popery" candidates were rejected; and in Ireland, the friends of popular rights proved decidedly victorious, notwithstanding the immense interest exerted against them by some of the great protestant families. From all this, and other facts of the same nature, it is reasonable to infer that liberal principles have gained a little ground in the British parliament.



## CHAPTER XI.

**FRANCE.—Death of Louis XVIII.—Accession of Charles X.—Ministers—Chambers of 1825—Indemnity to Emigrants—Finances—Sacrilege Laws—South America—Hayti—Coronation—La Fayette—Prosecution of Journals—Death of Foy—Chambers of 1826—Law of Succession—Finance—Religious Disputes—Views of the Government.**

Our register of events, properly begins a little subsequent to the decease of Louis XVIII., and the commencement of the ensuing reign; a period, that may justly be deemed an important era in the history of the restored Bourbons. Their government was now thoroughly consolidated, their dynasty fixed anew on the throne, and the crown had descended in peaceable succession to another of the posterity of St. Louis. The people were gratified with the pageantry of a coronation, a spectacle so agreeable to their taste and feelings. The success of their arms in Spain,—once again victorious, after so many years of defeat,—restored then to the sense of self-confidence, as necessary to the prosperity of nations as to individuals; and caused them to forget, in some measure, the series of degradations, which the Bourbons had en-

tailed on the French name. It was an epoch, also, when the clergy gained more power than they had for a long time before enjoyed; and this circumstance led, of itself, to important consequences. For the purpose, therefore, of presenting a more complete and intelligible account of the recent history of the country, we shall carry our narrative back to the accession of the now reigning monarch.

Louis XVIII., died the 16th day of September, in the year 1824. His constitution had been gradually sinking, for some months previous thereto, under a complication of diseases; and he lingered but a few days after the first public announcement of his approaching dissolution. His body was immediately embalmed, and prepared to be exhibited in state, conformably with the national usages. It was placed in a half

recumbent posture, on a plain bed, holding a crucifix, and wearing a cap trimmed with lace, until the coffin was in readiness ; after which, it was transferred to the throne-room of the Thuilleries. There, surrounded by heralds in splendid apparel, with the great officers of state, and ecclesiastics attached to the court, lay the royal remains, in a coffin covered with cloth of gold, and surmounted with the crown, sword, and sceptre, the ensigns of the rank of the deceased. At the expiration of a week, his funeral solemnities were celebrated with all the pomp suited to the occasion ; and his remains were deposited in the chapel of St. Louis, there to remain for 30 days, when they were finally interred in the vault of the Bourbons.

Louis XVIII., at the time of his decease, was sixty-nine years of age. His wife, a princess of the house of Saxony, died in the year 1810. His own life was marked by a long course of the greatest vicissitudes of fortune, having been born and educated amid the luxuries of an absolute court, and dying in the exercise of royal power, but having spent many of the intervening years in foreign countries, a wandering outcast, and a pensioner at the board of the ancient enemies of his line and his nation. He possessed a taste for letters, and many qualities, which were better adapted to adorn a private station,

than to bear him happily through the troubles of exile, or the cares of empire. Having such a character, and immediately following on the throne, a prince, whose brilliant career was guided by the most splendid abilities,—nothing but necessity, and the state of the country, which demanded repose, could have reconciled the kingdom to his forced and inglorious rule. But the courtly flatterers of his hours of prosperity, embraced the occasion of his illness and death, to indulge in a strain of the most extravagant lamentation and eulogium, as insincere, as it was ill-timed. Among the pieces which the event produced, none was more remarkable than a pamphlet by M. de Chateaubriand, entitled *Le Roi est mort, vive le Roi*, whose title aptly illustrates the affectation, antithesis and absurdity of the work.

The count d'Artois, who now ascended the throne as Charles X., prior to his brother's funeral, received at St. Cloud, the congratulations and addresses of the various orders of the state, the peers, the chamber of deputies, the diplomatic body, the military, the academy, to all which he expressed his confidence in the good will of his subjects, and his determination to make their welfare the sole object of his ambition. Four days after the funeral, he left St. Cloud, to enter the city of Paris in state.

He was received by the municipality at the barrier l'Etoile, and presented with the keys of the city, which he immediately returned to the prefect, with a suitable address. The principal ceremonies attending his reception, were performed in the church of Notre Dame, where all classes emulously came forward to make their congratulations, and signify their loyalty.

The new king uniformly professed his resolution to pursue, unchanged, the policy of Louis XVIII. The ministry continued the same. But in the outset of his reign, whether it was that he really felt inclined to liberal measures; or whether, as it is more likely, he thought it wise to sacrifice a little to the desire of popularity, certain it is that he gave reason to expect from him a more high-minded government than his predecessor's. Charles devoted himself to business with spirit and industry; and this appeared to the people an auspicious circumstance, when contrasted with the lethargy, which characterised Louis. But, what was more important than this, in the first month of his reign, Charles removed the censorship of the press, that galling badge of servitude, which provoked the constant complaints of the people. All these things looked propitious; but the rising hopes of the kingdom were soon repressed; and some

later measures of the government have proved that, with increased firmness, it has also acquired greater boldness and want of liberality.

The chambers commenced their session in December. But previous to entering into their proceedings, it may be desirable to understand the composition of the ministry, who directed its deliberations. During the period of our history, M. de Villele has been the effective head of the French administration. He became minister of finance in 1821, and has retained his authority and station to the present time. His power is unbounded by means of the ascendancy in the government he has reached, through the influence of the illiberal party in politics and religion, whose interests he has in general faithfully upholden. Of course, he is unpopular with the tolerant party, in proportion to his subserviency to their opponents. On the second restoration of the Bourbons, he was appointed mayor of Toulouse, his native city, and soon afterwards a member of the chamber of deputies; in which body he became distinguished by his talents and activity. He soon effected the downfall of M. Decazes and his friends, courting the public favor by his zealous opposition to their measures; and at that time subjected himself to the imputation of *liberalism*. But, under the suc-



ceeding short lived administration, of which Richelieu was the president, M. de Villele regained his influence with the court party by his ardent support of the election law, and the laws abridging the liberty of the press, and the person. In this manner, he prepared the way to become the successor of that ministry, when they should be driven from their posts.

His associates are M. Corbière, minister of the interior; the marquis de Clermont Tonnerre, of war; the count de Chabrol de Crouzol, of the marine; M. de Peyronnet, of justice; the baron de Damas, of foreign affairs; M. de Frayssinous, of public worship. Of these, Corbière and Peyronnet, both advocates by profession, and men of no uncommon abilities, are said to have formed a species of alliance with Villele, which strengthens and has thus far maintained their authority. Beside these, M. de Frayssinous, titular bishop of Hermopolis in Egypt, demands particular notice; because through him the ministry is connected with the high church party and the jesuits. We shall have repeated occasion to observe the operation of the ultra principles of the cabinet, upon the internal condition and the foreign affairs of France, in the course of our historical sketch. They have been fortunate in obtaining a much firmer hold on office, than the crowd

of ephemeral ministers, who preceded them; and although vigorously opposed by Pasquier, Chateaubriand, and La Bourdonnaye, among the loyalists, and literally hated by the liberal party, seem to have calculated well, at least for the duration of their power.

It is probable, that the individual character of the king, which sympathizes with the *ultras*, and the emigrants, whom M. de Villele, and his associates, of necessity favor, may contribute to the strength of their ministry. But their success, at the election of 1824, in excluding many of their adversaries from the chamber of deputies, left the opposition there, enfeebled, and diminished. Accordingly, at the session of 1825, the ministers proposed, and carried measures, which had been long apprehended, by the liberal party. The measures were alluded to, in the speech of the new king, at the opening of the chambers, which was looked for, by the nation, at this period, with unusual interest. Charles began, by speaking of his grief, at the death of a king, whom he called "wise, and good, beloved by his family, venerated by his people, honored and respected, by all foreign governments. The glory of his reign," he continued, "will never be effaced. Not only did he re-establish the throne of my ancestors, but he consolidated it, by institu-

tions, which, bringing together, and uniting the past with the present, have restored to France, repose, and happiness." After expressing his satisfaction, at witnessing the tranquillity of the state, in all its relations, foreign and domestic, he declared, that the present was a fit opportunity for closing the last wounds of the revolution, and for effectually protecting the interests of religion. He concluded, by signifying his design, to be consecrated, at the close of the session. "Prostrated," he said, "at the foot of the same altar where Clovis received the sacred unction, and in presence of him who judges nations, and kings, I will renew the oath, to maintain, and cause to be observed, the laws of the state, and the institutions granted by the king, my father, I will thank providence, for having designed to make use of me, in order to repair the last misfortunes of my people; and I will beseech the Almighty, to continue to protect that beautiful France, which I am proud of governing."

While conceived throughout, with much art, in the selection of topics, and great happiness of diction, this speech afforded a presage of the leading acts of the session. The first, was the establishment of the civil list, which met with very slight opposition. By it, the private property of the

late, and the present king, was added to the estates of the crown; and twenty-five millions of francs were to be paid, annually, to the orders of the ministers of the household, during the life of Charles X. The appanage of the royal family, was fixed at seven millions, annually; and the property of the branch of Orleans, was to continue, to be enjoyed by the head of that house. Furthermore, the sum of six millions was appropriated, for the funeral obsequies of the late king, and the contemplated consecration of his successor.

The next law encountered warm resistance, but, nevertheless, was pushed, triumphantly, through both chambers. It provided for granting indemnity to the former proprietors of real estate, confiscated, and sold, under the revolutionary decrees against emigrants. A commission was appointed, to investigate the claims for indemnification; and to determine the persons, and the sums to be paid to them, respectively, with the marshal duke of Tarentum, for president. The indemnity was to be paid in *rentes*, a credit of thirty millions being placed at the disposal of the minister of finance, for the accomplishment of this object. Thus, although some objected to the measure, as too anti-revolutionary, and the emigrants were dissatisfied, that they could not be in-

dennified out of those alone, who had gained by their spoils, M. de Villele's plan went into operation, in spite of every obstacle.

For the purpose of diminishing the taxes and the amount of public debt, another law was passed, enacting the substitution of a stock, bearing interest at 3 and 4½ per cent, in lieu of the existing 5 per cent stock. The law was passed, after a violent resistance on the part of M. Pasquier, and M. de Chateaubriand; but did not wholly attain its end; as, owing to fluctuations in the price of stocks, and to difficulties made by the freeholders, the conversion was but partially accepted.

M. de Villele opened the budget for the year, with a flattering account of the state of the finances. He stated the receipts of 1824, at 992,333,953 francs, and the expenditure at 990,119,582 francs, and presented an equally favorable view of the pecuniary resources of the nation, for 1825 and 1826.

All these financial measures, and statements, connected with the beginning of the reign, formed the subject, necessarily, of interesting speculation, to all parties, and persons, within the kingdom; but attracted less notice from abroad, than the laws of the same session, against a singular crime, the invention of priestcraft and superstition, to which the jesuits gave the name

of deicide. This offence, was the profanation of the sacred utensils, and sacred elements (*hostie*), declared punishable by death as a parricide. Ineffectual efforts were made to procure a milder punishment; and this sanguinary law was at length passed, by a great majority. But, however successful in this project, the ultra party failed, in an attempt to confer on the king, the power of erecting, and suppressing nunneries, which the chambers retained, in the hands of the three branches of the legislature.

The debates of the chambers, upon other incidental topics, furnish little of interest, in foreign countries, except in regard to some of the external relations of the country. The ministry continued averse to adopting the necessary measures, for the suppression of the slave trade. The mercantile classes were anxious, to procure the recognition of the independence of Spanish America. They petitioned the king to follow the example of England, so as to enable his subjects to participate, on equal terms, in the lucrative trade of the new-born nations. The ministry saw how useful this would be to the commercial interests; and dreaded, also, the preponderance in America, which England was likely to acquire by her superior liberality. The connections of France, on the other hand, with Spain, and the re-

cent undertaking of the former to re-establish legitimacy in the latter, seemed to preclude the possibility of formally acknowledging the independence of the revolted states. The government, therefore, contented itself with obtaining from Ferdinand, the mere nominal benefit of a liberty to trade with America; and consented to admit Colombian and Mexican vessels into the French ports, on condition of their not displaying their national flags. This compromising policy has justly caused the Spanish American states to be extremely jealous of France, whose government, they apprehend, entertains views hostile to their emancipation.

Early in this year, the French government concluded an artful arrangement with the inhabitants of Hayti, of which a full account has been given in the history of that island. We will only observe here, that, after protracted negotiations, the king of France secretly made an ordinance, dated April 17th, 1825, which is nominally a recognition of independence, but substantially an assertion of sovereignty. It declares the ports of St. Domingo open to all nations, and the duties on their vessels equal, except that they shall be reduced one half in favor of France. It provides, that the present inhabitants shall pay to the ex-colonists, an indemnity of 150,000,-

000 francs, in five equal yearly instalments. Finally, on these conditions, Charles "*grants to the actual inhabitants*" of Hayti, "the full and entire independence of their government." This ordinance was accepted by President Boyer, the following July: and thus Hayti, by the fraud or the weakness of its government, from a state of real independence, became reduced to a kind of qualified subjection to France.

The coronation of Charles X. took place at Rheims, the 29th of May; but the ceremonies accompanying this solemnity, awakened far less attention than was anticipated. Reflecting and liberal-minded men began to regard the king with different sentiments from those, with which they hailed his accession to the throne. The pageantry, on this occasion, was attended with more frivolities, if possible, than the similar consecration of the present king of England. The fanatical agents of the jesuits, and the more bigoted among the clergy, embraced the opportunity to impose the most idle mummeries upon the people, who, to their credit be it recorded, for the most part, regarded the whole with a degree of indifference, which did not escape the notice of the king himself. The flourish of relics, and the exhibition of the *sainte ampoule*, threw

an air of ridicule over a ceremony, which could be tolerated only in a country familiar with the courtly forms of monarchy, and which, in this age, have entirely lost their pristine influence upon the minds of men. The consecration amused for the time, like other spectacles ; but, solemnized even as it was, in the cathedral of Rheims, and in all its ancient state, it failed to produce that impression, which, in any circumstances, would be its only beneficial effect.

Few political events, of any general interest, occurred in France, during the latter part of the year 1825. The period did not elapse, however, without some incidents, which served strongly to contrast the liberality of sentiment prevailing among the people, with the intolerance and jealousy of the *ultra* party in power. Of this character, was the conduct of the local authorities, towards La Fayette, on occasion of his landing at Havre, on his return from his visit to the United States. The citizens of Havre hailed him with great enthusiasm ; but the police saw fit, in compliance, no doubt, with the wishes of the ministry, to order out the *gendarmerie*, and charge the unoffending multitude with drawn sabres ; in consequence of which, many of them sustained serious injury. They also prohibited his being supplied with post horses

to leave the city. His friends, nevertheless, contrived to escort him from Havre, in spite of the opposition of the police, who meanly sought to annoy a man, vastly elevated, by his character, above their petty resentment.

But a matter of greater notoriety, and still more strikingly illustrative of the evil influence exercised by the jesuits, was, the prosecution of the *Constitutionnel*, and the *Courier Français*, two of the best conducted liberal journals printed in Paris. By direction of the ministry, the king's advocate, Bellart, presented to the *Cour Royale* a *requisitoire*, demanding the suspension of those newspapers for three months, for the alleged irreligious tendency of many passages, inserted in them from time to time. The judgment of the court, in respect to both, pronounced December 3d, was, that although some expressions and phrases, in the articles complained of, were censurable ; yet the general tendency of the pieces was good, being calculated to resist the establishment of religious orders not sanctioned by law, and the ultramontane doctrines preached by part of the clergy. These decisions, although said to be agreeable to the secret wishes of M. de Villele, gave great umbrage to the court party ; but equally great satisfaction to the public

at large, who rejoiced to find that the tribunals entertained just notions, of what the high church faction were disposed to do, if it had the power.

We mention but one more of the incidents of this character, to which we alluded. Late in November, 1825, died general Foy, an opposition member of the chamber of deputies, and the most eloquent public speaker in France. His funeral was attended by many thousands of the most eminent citizens of Paris, who, in spite of a heavy rain, followed his remains to the burial ground of Pere la Chaise. Nor did this general and spontaneous tribute to his worth, stand alone. That distinguished man died poor, because he would not sacrifice his principles for the sake of office; and, immediately after his death, a subscription of a million francs was collected for his five children, sufficient to give them competency for life. Thus it was that the nation seized on the circumstance of his death, to raise a noble monument to his memory, and the cause of liberty.

The French chambers assembled, January 30th, for the year 1826. Among the topics touched upon, in the king's speech, the most remarkable was, a change proposed in the law for distributing real estate in descent. On this subject, he said:—

“The progressive subdivision of landed property, essentially contrary to the principle of monarchical government, must weaken the securities, which the charter has given to my throne and my subjects. Means will be proposed to you, to restore the agreement that should exist between the political law and the civil law, and to preserve the patrimony of families, without, however, restricting the liberty of disposing of property. The preservation of families, leads us to expect, and guarantees, political stability, which is the first want of a state, and especially that of France, after so many vicissitudes.”

These words contain the substance of the arguments for the measure. Notwithstanding the urgency, with which it was pressed by the *ultras*, it completely failed. The law of primogeniture, after protracted discussions, was rejected in the chamber of peers, its ablest opponent there, being the ex-minister, Pasquier. They refused to go any farther, than to allow the father to entail a portion of his property. This unexpected result, may be considered as a sacrifice made to public sentiment, and an indication of growing opposition to the policy of the jesuits. Great rejoicings took place on the event at Paris. In spite of the exertions of the police to prevent it, the *liberals* testified their triumphs, by illumina-

tions, which extended into the provincial towns.

The revenue of France for the financial year of 1827, was stated to be 916,608,734 francs, and its excess over the expenditure, about the same as it was in the preceding year. In the discussions connected with the budget, much warmth was elicited, in respect to the expenses of the military occupation of Spain. Imputations attached to the ministry, in consequence of the disclosure of peculation to a great amount, made by the contractor, Ouvrard, in supplying the French army. The circumstances connected with this affair, deserve to be related.

When the French army reached Bayonne, on their way to Spain, in 1823, the duc d'Angoulême found the men in want of food and clothing, and the horses reduced to the last ration of forage. In this emergency, Ouvrard stepped in, and by his talent and address, preserved the French arms from disgrace. By the free use of money, he effected wonders. Liberally distributing *douceurs*, he obtained a contract, which, while it saved the troops from starving, gave him an exorbitant price for every ration of bread. The bribery practised here, was not the only ignominious attendant of the expedition. Through an extraordinary system of well planned frauds, double ra-

tions were distributed for the army; for while 100,000 French troops were paid and fed in Spain, the same allowance for pay continued in France. It was owing to these, among other causes, that the campaign cost France the enormous sum of 397,000,000 of francs.

M. de Villele, on the first report of these shameful frauds, imprisoned M. Ouvrard, who, in revenge, published a volume of "Confessions," narrating his intercourse with Napoleon, and his life, down to the entrance of the French into Tolosa, and threatening, farther, to expose all his confederates in the Spanish expedition, by the publication of a sequel, unless he should be fully acquitted. His trial in the Cour Royale, and the subsequent investigations in the chamber of peers, to whom the Cour Royale referred the matter, produced the deepest sensation. M. de Villele strove in vain to hush up the business; and bitterly repented having so hastily imprisoned M. Ouvrard. The chamber of peers, at length, suffered themselves to be prevailed upon by the ministry, to conclude their investigation of the transaction, as a branch of the government, without convicting the peers implicated in it.

Previous to the close of the year, the foreign relations of the country remained as before, with few exceptions. Of these, we re-



cord the treaty of navigation and commerce, concluded between France and Brazil, which conferred on each party, all the privileges of the most favored nation. In thus recognizing the independence of Brazil, the government took care not to compromise its adherence to the principles of legitimacy; for although Pedro had originally revolted, yet his empire being guaranteed by treaty with Portugal, to acknowledge his sovereignty was in nowise encouraging the revolution of the Spanish American republics, with whom France still refused to treat.

Most of the political feeling in France, during the past year, has related to the contest between the jesuits, or high church party, who exercise the national authority, and their opponents, who constitute the great bulk of the people. Occasionally, the excited state of the latter, respecting the subject, produced disorders, one of which occurred at Rouen, in May. The multitude opposed and insulted the priests, who were celebrating the commencement of a mission in the several churches. It became necessary to summon the aid of the *gendarmerie* to disperse and quell the rioters, after they had exhibited their disrespect for the ceremonies by the most insulting acts. Similar disturbances occurred, on a like occasion, in Lyons, at a later period.

Indeed, the strides of the jesuits toward obtaining control of the government, were now open and visible, and publicly denounced. M. Frayssinous admitted, in the chamber of deputies, that seven colleges were under the exclusive direction of the jesuits. They had also organized a secret society, called the congregation, having for its professed objects, the exercise of piety; but really animated by a settled purpose to restore the reign of bigotry and religious *terrorism*; and it already numbered in its body one hundred and eight members of the chamber of deputies. All over the interior of the country, the jesuits were indefatigable in seeking to engross authority, greatly annoying the gentry, but hated most by the small proprietors, who had profited by the sale of church lands during the revolution, to purchase little freeholds, and now dreaded their being reclaimed.

In this irritable state of public feeling, it will readily be perceived how much impression was produced by the count de Montlosier's attack on the jesuits, in his eloquent work, called "*Memoire à consulter*," on a religious and political system; tending to overthrow religion, society, and the throne. This book is an elaborate denunciation of the high church party. Its influence was the greater,

as the author belonged to the old nobility, and was, in political principles, an ultra-royalist. Had the work proceeded from any other quarter, its effect would have been less; but the character, station and party of M. de Montlosier, gave it a prodigious political force, which his talent alone, great as it is, could never have communicated. Six thousand copies were sold in the space of a week; and it rapidly ran through several editions.

It was well known, that M. de Villele felt averse, from principle and policy, to going all lengths with the jesuits, although he could not wholly shake off this influence. Of this, he permitted several indications to escape; in the number of which we may reckon the elevation of the virtuous and tolerant abbe de Cheverus, formerly bishop of Boston, to the see of Bordeaux, and the peerage. This appointment greatly offended the jesuits, but was extremely popular in the nation at large. Indeed, the dissensions existing in France, at this time, would seem to carry us back to the days of Louis XV., and the old controversies between the jesuits and jansenists appear to be revived anew in all their bitterness.

Our account of the French would be imperfect, did we omit to mention their prosperous condition as a people, and their elevation and vigor aggregately as a sovereignty.

The revolution, as it swept over the land, called new energies into being. It converted the peasants into small proprietors, freed the *tiers etat* from oppressive feudal burdens, gave them civil rights, and, in opening to them the career of useful ambition, infused new life into the circulation of the body politic, which before was choked and stagnant under the sickly influences of absolute monarchy, unawed by public opinion, and uninfluenced by principle. A consolidated territory, and a natural character peculiarly quick, sprightly, and intellectual, unite with great resources of domestic industry, to make France powerful under any circumstances. At the present moment, her upper classes are, it is plain, agitated by a contest for ascendancy, between one party bent on maintaining the great doctrines of religious freedom, and of another striving to suppress them. Our sympathies, of course, are with the former, and our feelings adverse to the acts of the government, so far as they subserve intolerance in religion, or uphold arbitrary principles in politics. The development, in France, of the new combinations, associated with the Portuguese constitution, must powerfully affect the question, interesting in all civilized countries, whether the cause of liberty shall waver for a while, or fully triumph.

## CHAPTER XII.

*SPAIN in 1825.—Zea Bermudez—Political condition—Disturbances—Bessieres rebels—Party of Don Carlos—Death of el Empecinado and Iglesias—Colombians—Infantado appointed minister—Algerine war—Spain in 1826—Disturbances—J. G. Salmon succeeds Infantado—Proceedings on the Portuguese frontier. PORTUGAL.—Brazil independent—John dies—Constitution and Regency—Incursion from Spain—Chaves—Aid from England.*

The mind is inevitably filled with sentiments of deep melancholy in contemplating the recent history of Spain,—once so glorious, as well for the chivalrous character of her inhabitants, as for the splendor of her external possessions. She is now stripped of her empire in the new world, and involved in a state of anarchy and misrule, which her worst enemies may pity and deplore. Other countries in Europe, are either teeming with the refinements of modern improvement, and every where impressed with the march of mind; or else, if destitute of liberal institutions, repose in the tranquillity and order of despotism. But unhappy Spain is deprived of the blessings of a free government, without enjoying even the imperfect equivalent of a vigorous one. Her bravest sons have perished on the scaffold, the martyrs of their patriotism; her wisest are exiles in foreign lands; and the rest are sub-

ject to the oppression of a driveling prince, and a bigoted priesthood. Our sketch of her affairs will, therefore, abound with monitory examples of the deplorable effects of bad political institutions.

The commencement of the year found Spain as far removed from concord and good order, as it was when the French overthrew the constitution. The banishment of Mina, the execution of Riego, had intimidated, without tranquillizing the people.—England, by acknowledging the independence of the American states, appeared to have extinguished for ever the hopes of Spain to regain her empire. Sr. Zea Bermudez, who was placed at the head of the ministry, the last day of the preceding year, entered upon the discharge of his duty in most unpropitious circumstances. His appointment was attributed wholly to the interference of France, whose government were anxious to have Ferdinand try the

experiment of a minister of abilities, moderation, liberality, and temper. But, unfortunately, the attempted remedy only aggravated the disease. Destitute of personal connections, or family influence, to bear him out in a course independent and upright; having no party to support him in such healing measures, as the distracted state of the kingdom required; his ministry was feeble, and terminated before the end of the year, leaving the country in a worse condition than before.

The earliest accounts of the year, related only to the illness of the king, who was attacked by the gout, in January, but, to the misfortune of his subjects, soon recovered.

The fanatical party were constantly busy throughout the kingdom, and exercised acts of authority, in the provinces, according to their discretion. Military tribunals were active and severe, in their persecution of all persons suspected, or accused of liberalism. For instance, a soldier in a company of grenadiers was sentenced to ten years' imprisonment at Ceuta, for having praised the abolished constitution. Arrests were frequent, for the most trivial causes of suspicion. In May, the prisons of Barcelona and Villafranca, contained one hundred and forty-four persons, awaiting their trial by the mi-

litary commission. These facts indicated the disposition of the government, and plainly foretold what was soon to follow.

Fruitless attempts were made in France and elsewhere, to obtain a loan for the absolute necessities of the government, equally without money, as without credit. The ministry were driven to the desperate resource of compulsory contributions, to procure supplies for the troops, who impoverished the country which they were the instruments of enslaving. Nor was this ruinous practice followed by the general government alone. Many local authorities, forced to take advantage of the weakness of the government, arbitrarily imposed and exacted duties on various articles of consumption. The treasurer-general declared, that he was subjected to continual insults, from the impossibility of meeting just demands, and could no longer support a charge superior to his strength.

An exposition of the state of the national finances, given by the treasurer, represented the public credit as completely gone; the receipts hardly sufficient to cover half the expenditure, and no means existing to supply the deficiency. The revenue of America often amounted, formerly, to one hundred and sixty millions of reals, and it was now reduced to a trifling

sum, occasionally received from Cuba. Add to this, a defalcation of another hundred millions of reals, from the general reduction of the customs, and of the duty on the sale of tobacco and salt. It will readily be perceived, that the greatest confusion and discontent must be the necessary consequence of such extreme national penury.

Colombian privateers continued to cruise upon the Spanish coast, cutting off the little trade still remaining to the country, and demonstrating the absurdity of Ferdinand's pretensions to reconquer a people who were now strong enough to attack him at home.

In consequence of all these accumulated public distresses, disturbances soon began to break out in the provinces. A serious one occurred at Seville, in April, 1825, where the soldiers, destitute of pay, provisions, and all needful appointments, and irritated by distresses which they ascribed to the influence of the clergy, forced open the doors of the latter, and lawlessly pillaged their houses.

Amid all these crying evidences of misrule, Ferdinand issued a proclamation, whose positive and despotic tone, was but poorly in keeping with the actual imbecility of his government. The elevation of Zea Bermudez, had given rise to rumors that more lenient and rational principles of administration, were about to be produced. To re-

move this idea, he declared his determination to preserve all the institutions of absolute government in full vigor, and without the slightest qualification whatsoever. In pursuance of this declaration, he issued a decree, denouncing severe penalties against all persons who should attack the measures of the government; insult either of its agents; report any thing against the sovereign authority; possess, receive, or read pamphlets or letters of a revolutionary tendency; or hold public or private meetings to criticise in whatever way, the measures of the administration. In the spirit of these regulations, was a pastoral letter, circulated by the archbishop of Barcelona, for the establishment of an apostolic junta in Catalonia, consisting of three priests, of the order of St. Dominic. They were authorised and required to investigate and punish, canonically, all those transgressions which were formerly cognizable by "the Holy Tribunal of the inquisition."

The minister Zea, finding all his designs thwarted by the *ultra* party, and hopeless of accomplishing any good, at last, early in the month of August, tendered his resignation. Ferdinand, however, refused to accept it; and thereby outraged the fanatics to such a degree, that they started the project of deposing him, and elevating the infant, Don

Carlos, in his place. This led to numerous arrests, all over the kingdom; and especially in the principal towns of Andalusia. In three days, nearly two hundred persons were incarcerated in Seville, besides many others, mostly monks and canons, in Cordoba, Madrid and elsewhere; and a junta of public safety was created, with the duke del Infantado at its head, for the purpose of putting a stop to disaffection, by strong and decisive measures.

Notwithstanding these acts of the government, disorders continued to increase, and evidently looked to some revolutionary movement. A monk had the boldness to harangue a multitude assembled in a public square, and urge them to place Don Carlos on the throne; denouncing Ferdinand as a freemason. At length, the insurrection broke out, on the 16th of August, 1825, headed by Bessieres, a violent royalist, and formerly a zealous partizan of the king's, in opposition to the cortes. A small body of troops, stationed at Getafa, near Madrid, assembled under arms, and marched towards Alcala, announcing their design to be, to deliver the king, who, they said, was imprisoned by his ministers. Bessieres joined them at Torrija, on the 18th, assumed the command, and published a list of proscribed persons; at

the beginning of which, was the name of Zea Bermudez. He was joined by many others; but the junta of public safety having had early intelligence of the insurrection, despatched the count d'Espagne, with a force competent to quell it. He overtook the rebels at Molina de Aragon, and at Zafra, arrested Bessieres, who was shot the next day, with his principal accomplices.

Other insurrections, of a similar character, occurred in almost every part of Spain. Although it seemed that their object was the same, namely, to raise Don Carlos to the throne, yet their movements were so ill managed, that they ended in nothing. The risings consisted of disconnected efforts of individuals, who, acting without concert, were easily discomfited; and whose idle attempts only served to fill the kingdom with bloodshed, and augment its distresses. We shall not undertake to enumerate the disorders particularly, alike as they were in their origin, nature, and consequences. They chiefly proceeded from the fanatical royalists, who demanded the re-establishment of the inquisition, and by their insane and bigoted conduct, justly visited upon Ferdinand, his abandonment of the constitutional party, and preference for absolute government. During these disturbances,

the king remained at St. Ildefonso, where every thing was tranquil, as well as at Madrid.

The death of the fanatical Bessieres, we record without regret, because it was justly merited. But other executions took place, which must fill every honest heart with indignation. D. Juan Martin, called the Empecinado, one of the noblest of those patriotic Spaniards who adhered to the nation in all its reverses, perished bravely on the scaffold, after a long and cruel imprisonment. He made violent efforts to escape from the guards, who conducted him to execution, and succeeded in releasing his hands from their fetters, and seizing a sword. But he was overpowered by numbers, and died execrating the king and the priests. "What," he exclaimed; "is this my reward for a life devoted to the service of the king? Am I to be thus recompensed; I who was the first to raise the standard in his favor, and conducted more than any other, to place the crown on his head?" The execution of another eminent and virtuous citizen, Pablo Iglesias, excited a general sentiment of sympathy. He had been long known as one of the most flourishing citizens of the capital. His last words were, "Liberty or death!"

A consultative junta was appointed at this time; but effected

nothing. Zea had been continually forced into a vacillating policy, now moderate and now tyrannical, according as the furious factions around the court prevailed, or relaxed their intrigues. In October, he and his associates were suddenly dismissed; and the ecclesiastical faction assumed unlimited control of the administration. The duke del Infantado was placed at the head of the ministry, as the individual, whose character and connections with the fanatics, gave him the greatest authority.

Great alarm was occasioned in December, by the numerous captures made by Colombian privateers. They burnt or scuttled ships not laden with valuable cargoes, captured others, and landed their crews on the coast. Their small boats sometimes entered the ports, and carried away vessels, which took refuge there; and thus proved destructive to the Spanish mercantile marine.

Near the close of the year, a decree was issued, reorganizing the council of state, to be composed of the ministers, and others, for the purpose of passing upon all the measures of the government. sanguine hopes were entertained of the firmness of the new administration, it being thought that the duke del Infantado, an *absolutist*, himself, might be able, in some degree, to control the ex-



cesses of the ultra-royalists. His personal patriotism was undoubted; and, it was said, he presented the king with a year's revenue of his immense estates, to aid in relieving the public necessities, and set an example to opulent individuals and corporations.

But honorably and sincerely as this nobleman may have exerted himself, to relieve the distress of the country, its causes were too deep and extensive to yield to ordinary remedies. The early accounts from Spain, during the year 1826, continued to represent that devoted country as on the verge of convulsions. It would seem, that nothing but the presence of French soldiers could prevent the recurrence of dangerous revolutionary movements, which, on every side, distracted the provinces. To add to these misfortunes, the dey of Algiers commenced war against Spain, in February, 1826, in order to obtain, by captures, the amount of the Spanish subsidy, which, owing to the deplorable state of the finances, remained unpaid. This event, co-operating with the ravages of Colombian privateers, and the apprehension of a landing of the constitutionalists, filled the maritime districts with terror and confusion.

Hated by the liberal party, and distrusted by his own, the wretched king could depend upon neither.

All the foreign ministers at Madrid, except the Russian, it is said, acquiesced in the efforts made by the American and English ambassadors, to induce Spain to acknowledge the independence of the Spanish American states. Forcibly as they showed the folly of protracting a hopeless contest, and the risk that Cuba and Puerto Rico would be lost by the persevering refusal of the government to make peace, when it was an act of necessity as well as expediency; still nothing could prevail over the senseless obstinacy of the inquisition party. The failure of Bessieres' insurrection had not discouraged the royalist volunteers, who, pushed on by the bigoted priesthood, persisted in desiring the elevation of Ferdinand's brother, Carlos, to the throne; anticipating in him a pliable instrument of their violence and infatuation.

To dwell minutely upon the revolting picture of all the disorders, which afflicted this fine country, at the period under consideration, would be merely a repetition of the same lamentable scenes, already described. A few examples will suffice. At one time, a band of constitutionalists effected a landing at Alicant, who were, however, taken and executed, and their leader, Bazan, was shot. On the other hand, the famous curate, Merino, in another

part of Spain, excited disturbances of the apostolic party. Some provinces were constantly infested with bands of robbers, who rendered it dangerous to travel, without the protection of a strong guard. Others were thrown into disorder, by contests between the militia and troops of smugglers, on the sea coast.—Guerilla parties took shelter in the mountains. Nothing could exceed the picture of wretchedness and poverty among the lower classes, of fanaticism among the priests and their party, of public misrule every where; presented in Spain at this period.

The trial of the members of the late cortes being concluded, the government published a decree, condemning to death sixty-five more, in addition to those excepted from the decree of amnesty in 1824. This measure was in unison with the sanguinary spirit, which governed the councils of Spain.

The affairs of the kingdom were soon brought to a crisis, by the political changes in Portugal. No sooner did the promulgation of a constitution for that kingdom, become known in Spain, than it produced the greatest consternation. Ferdinand issued a decree, invoking the loyalty of his people, to preserve tranquillity. He reassured them, that he would never make any change in the legal form of govern-

ment, and never permit the establishment of chambers under any modification whatever. This decree was published in August, 1826.

Not long before, a dangerous conspiracy had been detected by the superintendant of police, having for its object, to compel Ferdinand to abdicate in favor of Don Carlos. The king was persuaded by his well-wishers, on this occasion, to consent to change the ministry, proclaim a general amnesty, and convoke the cortes; but the intrigues of the *apostolic* party overcame his better intentions, and prevented the execution of the salutary measures contemplated.

In proof of the alarm and rigor of the government, it may be mentioned, that general O'Donnell issued a circular to the authorities in the military district commanded by him, peremptorily interdicting all intercourse with Portugal, and enjoining a strict watch over persons suspected of entertaining sentiments favorable to liberty. Placards were posted in Madrid, commanding every book of a supposed liberal tendency, to be delivered up to the police. No persons could enter or leave Madrid, without being reported to the municipal officers.

Amid these events, the duke del Infantado resigned his place as minister of foreign affairs, alleging that he did not enjoy the king's

confidence. His resignation had been repeatedly tendered before ; but refused.

His successor, Salmon, and his associates, bear the character of being, some of them, men of talents and integrity. But the government was arrived at a fearful crisis. With coffers empty, troops unmanageable, ill officered, and only half paid, a marine scarcely sufficient for the defence of Cuba, and without authority in Spain adequate to repress the infuriated factions, which divided the kingdom,—under all these disadvantages, any ministry would have a most arduous task to perform.

Some time elapsed, before the Spanish authorities manifested their hostility to the Portuguese regency, by any overt acts. They began, by receiving the rebels, who fled into Spain, from Portugal ; and either furnishing them with weapons, or at any rate, conniving at their obtaining arms, and continuing in military array. To the demands of Portugal, requiring the refugees to be disarmed, no attention was paid.

We must now go back, to explain the events, which had previously transpired in Portugal ; and the actual situation of that kingdom.

At the expiration of the year 1824, Portugal was freed from the internal disturbance, which had lately agitated the kingdom. The

revolt of Brazil, however, under Don Pedro, was an event to which the Portuguese government was not reconciled ; although it could do nothing towards regaining its lost authority. But strong exertions were made by the English government, through sir William A'Court, their minister at Lisbon, to bring about a recognition of the independence of Brazil. In January, 1825, a change in the cabinet took place, and new ministers were appointed, favorable to the views of Great Britain. This preliminary step, was followed, ere long, by a proclamation of king John's, recognizing the independence of Brazil, and transferring the sovereignty of it to his son, Don Pedro. No farther difficulty being now interposed, the two states accepted the mediation of England ; and sir Charles Stuart, was appointed plenipotentiary of the king of Portugal, with powers to conclude a treaty of peace and alliance, with Brazil. He proceeded to Rio, and accomplished this object successfully. The treaty was concluded in August, and announced at Lisbon, in October.

No other events of historical importance transpired in Portugal, until the death of the king, in an apoplectic fit, which happened March 10th, 1826. John VI. was born in 1767. From 1792 until 1817, he governed the king-

dom, in the capacity of regent, on account of the insanity of the queen, his mother. He succeeded her in 1817, at which time he was in Rio, whither the government was transferred, on Bonaparte's invasion of Portugal.

Previous to the king's death, it had been arranged that his fourth daughter, Isabella Maria, should act as regent, until the affairs of the kingdom were settled. When John acknowledged the independence of Brazil, no stipulation was provided against the union of the two crowns in the person of Don Pedro, on his father's death. It remained to be seen what course Pedro would take, now that this very contingency had arisen. Wisely preferring the possession of Brazil alone, to being subject to European intrigues in Portugal, Pedro immediately confirmed the regency appointed in Portugal, and abdicated all his rights to the Portuguese crown in favor of his eldest daughter Maria da Gloria, who thus became queen of Portugal.

At the same time, Pedro announced to the Portuguese his design to confer on them a constitutional charter, whose acceptance by them he made one of the conditions of his resignation:—an act, destined to be followed by momentous consequences. This charter, which contains a great number of provisions of the most liberal character

in regard to the personal liberty of the subject, is remarkable in its political features. It confers the right of suffrage on all persons possessed of an income of 100 milreas, and provides for the annual assembling of a cortes composed of two chambers, namely: hereditary peers, and deputies elected every four years. While it established the Roman catholic religion as the religion of the kingdom, it permitted all other religions to foreigners. Being accompanied with a general amnesty, it excited the liveliest sensations of joy in Lisbon.

It will be recollected that Miguel, the brother of Pedro, rebelled against his father a few years since, and was now travelling abroad in a kind of honorable exile. To secure the permanency of the new political arrangements, a dispensation was obtained for the marriage of Don Miguel with his niece, the queen, although she was but eight years of age. Miguel was now residing in the palace of the emperor of Austria, at Vienna. Acting under the emperor's advice, he made oath to the constitution in October, sending to the regent a copy of the oath written and subscribed in his own hand-writing. Governed by the same counsels, Miguel was also betrothed to the queen in form, she herself being still at Rio de Janeiro.

Throughout all these proceedings, it was plain to discern the

hand of England, on whom, after all, Portugal would have to depend for the stability of any form of government she might possess. Every where, however, in Europe, the subject deeply interested all political classes. It was so lately that the Portuguese had revolutionized their country, and overturned their former constitution, scarcely a more liberal one than the present; it was so lately that France had invaded Spain, to subdue the constitutional party there;—that the adherents of absolute monarchy in the peninsula and in France, were struck with amazement by the occurrence of an event, which seemed to sanction the past acts, and encourage all the future hopes, of the friends of constitutional freedom.

It was natural to inquire, also, what course would be adopted by the members of the Holy Alliance, a body organized for the sole purpose of preventing the institution of constitutional governments. No sooner was their head removed by death, than all the benefit of their kind labors in Italy, seemed to be totally annihilated by the erection of the Portuguese chartered monarchy.

Sir Charles Stuart the agent through whom Don Pedro conveyed the constitution to Portugal, was disavowed by the English government, who represented him as acting altogether on his own re-

sponsibility. On his arrival in Lisbon, the council of regency, composed of the oldest ministers of the late king, remonstrated against the acceptance of the charter; but, nevertheless, the princess regent consented to the constitution, and issued a proclamation to promulgate the fact, indubitably proceeding under the advice of England.

It soon appeared, that the absolutists, pretending to support Don Miguel, had a strong party in the country. Discontent began to show itself among the troops. Instances of insurrection occurred, in the distant provinces, which were with difficulty suppressed. The insurgents took refuge in Spain, where being cordially received, and protected, until they had collected into large bodies, they continually threatened the Portuguese frontier. Justly apprehensive of an invasion, the Portuguese government instantly required of Spain to disarm the rebels, and send their arms to Portugal. This requisition proving ineffectual, the Spanish court meeting it only with empty assurances, which their acts, belied, and intelligence of the movement of troops, in the frontier provinces of Spain, arriving continually, the Portuguese minister was ordered to leave Madrid, and the diplomatic relations between the two countries were suspended.

## CHAPTER XIII.

*Political condition of ITALY.—Rome—Naples. AUSTRIA.—Hungary. SARDINIA and SWITZERLAND. NETHERLANDS. BAVARIA. SWEDEN. RUSSIA.—Death of Alexander—Constantine proclaimed—Abdicates in favor of Nicholas—Seditions—Secret Societies—Coronation of Nicholas—Relations with Turkey—Persian War.*

That overruling destiny, which governs the affairs of the world, has made Austria the arbiter of Italy, and thus associated them in the page of history. Austria, of all the great governments of Europe the least intellectual; whose emperor will not have learned men in his dominions, if he can avoid it, lest they should shed a ray of light upon the dark despotism of his policy, has bound the chain of her slavish rule around Italy, the land of genius, of poetry, of the arts. The kings of the two Sicilies, and of Sardinia, reign only by virtue of the power of Austria, whose troops garrison Naples and Piedmont. Tuscany, Lombardy, Venice, the Italian principalities, are appanages of the imperial family; and though once, and that not many centuries ago, the smallest cities of Italy, were the theatre of grand events; the history of the whole nation is now almost a blank. Had a stable federal league united her states, independence might still have been

their lot; or had Napoleon continued to rule them, they would, at least, have had an Italian for a master, whose vigor and genius were worthy of his national extraction.

In adverting to the recent acts of the see of Rome, we seem to be restored to older times. Leo XII. has busied himself in various political transactions of foreign states, where the pretensions of the Roman church came in conflict, with the extension of public liberty. Thus, in the disputes between the ultra catholics, and the more moderate church party, in the Netherlands, which gave rise to great warmth of feeling, the pope sided with the former. So, also, in the still more bitter controversy between the jesuits in France, and their opponents, whose only aim is to create a national feeling, and to resist *transmontane* influence; Leo was not sparing of censure against the journals that supported the liberties of the Gallican church. But his interference with the in-

dependence of the Spanish American states, at the instigation of Spain, was the most impolitic of his measures. He imprudently addressed a pastoral letter to the ecclesiastics in Mexico, enjoining upon them to return to their allegiance to Ferdinand, as a duty which they owed the catholic church. This measure could have no effect among American catholics, but to produce alienation of feeling, towards the see of Rome.

In the domestic administration of his territorial possessions, the present pontiff has, also, shown himself less liberal than his predecessor. In August, 1825, the law regulating the censorship of the press was remodeled, requiring printers and booksellers to be licensed, - and prohibiting books to be delivered to the public libraries.

Prosecutions for *carbonarism*, have also been instituted at Rome; and, it is said, that a part of the troops, to be removed from Naples, will be stationed in the adjoining Roman territory, as an army of observation.

Ferdinand, king of NAPLES the imbecile *protégé* of the Holy Alliance, died January 4th, 1825, and was succeeded by his son, who began his reign, with endeavors to relieve his kingdom of part of its military burden. The fear of revolution was now so much diminished,

that the king, by a decree of amnesty, gave permission to most of the Neapolitan exiles to return to their country, and concluded a convention with Austria, for decreasing the army of occupation.

By pre-existing treaties, the number of Austrian troops was fixed at 32,500 men, who were to remain until May, 1826. This number was now reduced to 15,000, who were not to evacuate the two Sicilies, until March, 1827, unless the king should, in the mean time, feel secure in making a still farther reduction.

Notwithstanding the obstinate *legitimacy* of the emperor of AUSTRIA, and his extreme care to prevent the introduction of liberality, or its harbinger, knowledge, into his dominions, he found it difficult to satisfy the Hungarian diet, which assembled at Presburg, in September, 1825. The emperor addressed the states in a Latin speech, in which he charged them to discourage all innovations, assuring them of his devotion to their welfare, with many other unmeaning generalities, and ended, by presenting them with a demand for money and troops. Before giving any answer to his requisition, the diet discussed and adopted a kind of petition of rights, couched in firm, but respectful language. They complained that levies had been made, and contributions levied by



him alone, without their assent; and they demanded an assurance from him, that the fundamental laws of the kingdom should no longer be disregarded. To these representations, the emperor made a conciliatory reply, and engaged to convene the diet regularly every three years, or oftener, if they desired it.

In **SARDINIA**, and the neighboring country of **SWITZERLAND**, no political events of consequence have occurred. The bigoted policy of the holy alliance, still predominated in the councils of Sardinia, and domineered over the Swiss republics. In the former, an ordinance was issued, forbidding any one to be taught reading and writing, who was not worth 1,500 francs, and the works of Goethe, Wieland and Schiller, were prohibited: while two German professors, who had removed to Basel, were compelled to leave the cantons, in order to escape from the power of the allied courts, who demanded them as conspirators against "the established order of things."

There is little in the recent history of Netherlands, the Germanic states, and the smaller powers in the north of Europe, to arrest our attention. Devoted to the arts of peace, pursuing the even tenor of their course, engaged in no wars and presenting but few incidents in their domestic affairs. of interest to

us,—we shall hasten over them, to leave the more space for an account of the important events, which have occurred in Russia.

During the winter of 1824—5, much suffering was occasioned in the **NETHERLANDS** by inundations, which extended even to the kingdom of Hanover. The greatest distress was experienced in east Frisland and Overijssel. In the latter province, it was calculated that not less than 250 persons, and 14,000 cattle perished. The destruction of houses, manufactories, furniture, dockyards, and other erections, swept away by the floods, was immense. Subscriptions were liberally made to relieve the distressed; and a credit of eight millions of florins, was granted by the states-general, to repair the dykes, and other damages which the country sustained.

The government was sedulously occupied in the internal improvement of the country; having no care elsewhere, except the embarrassed condition of its East India possessions, to which we shall allude in our chapter on Asia.

The session of the states general in 1826, was opened in October. The king's speech announced that Curaçoa was made a free port, the only fact in it, of much interest to foreign nations. It also stated, that the indigent classes every where in the kingdom, could

now enjoy education gratuitously. Nothing in the political condition of the country was inauspicious; excepting the pecuniary distresses of the East India colonies, which were ascribed to their pertinacious conflicts with the natives, and the undue severity of their policy.

Maximilian Joseph, king of **BAVARIA**, died of apoplexy, in October, 1825, and was succeeded by his son, Charles Louis.

Between **SWEDEN** and Great Britain, a treaty was concluded in November, 1825, which provided for enforcement of penal laws against slave trade, conferring on each power the right of searching suspected vessels, and establishing tribunals at Sierra Leone and St. Bartholomew's, for the trial of vessels captured.

None of the other northern powers underwent any political change of moment, except Russia.

In **RUSSIA**, the death of Alexander, although it produced no change in the foreign policy of the empire, was the commencement of a series of domestic incidents, full of the deepest interest.

After closing the diet of Warsaw, in June, 1825, the emperor commenced a tour through his extensive dominions. In November, being on a visit to the Crimea, he was taken sick, at Taganrog a town situated on the sea of Azoff. Symptoms of Alexander's declining state of

health, had been apparent for some time; and a few days after he was taken ill, at Taganrog, his situation began to grow critical, and he expired the 1st of December. His physicians ascribed his disease to a bilious fever; but he himself, considered it an erysipelas driven in upon his stomach.

The unexpected death of Alexander, in the vigor of manhood, for he was only forty-eight years of age, created much uneasiness throughout Europe. Not that the emperor's intellect was such as to command admiration abroad; nor his policy of a nature to acquire for him the unqualified respect of the wise. Alexander was a temperate and prudent, but not a great monarch. His influence in foreign affairs, depended on his mighty military power, and the weight of his vast empire, in the scale of nations. His principles of administration had not always been uniform, nor consistent. At one time, he was the friend of peace, abounding with expressions of general good will; although maintaining the greatest standing army in the world. At another, he was disposed to favor liberal ideas, and to extend the blessings of education to his subjects. But latterly, the development of his policy, as head of the holy alliance, tended to shake that esteem for his character, which his early misfortunes, when attack-

ed by Napoleon, had inspired ; and which his subsequent successes confirmed. Still, when he died, anxiety was felt for the consequences. Would not his death be followed by some act on the part of his successor, to disturb the present course of events ?—was the universal question, in Europe and America. But these speculations were abruptly terminated, by the singular events which transpired in the capital, on the news of his decease being received there.

Alexander left no children : of course, in the order of succession, as prescribed by the testament of Paul, which was regarded as a fundamental law of the empire, the imperial crown would descend to his elder brother, the grand duke Constantine, who was in Warsaw at this period. Intelligence of Alexander's death, was sent from Taganrog to St. Petersburg, by express ; and immediately communicated to the grand duke Nicholas, Alexander's second brother. It was generally believed, that Constantine had, at the instance of Alexander, renounced his right of succession, in favor of Nicholas. Nevertheless, Nicholas immediately assembled the palace guards, and, after taking himself the oath of allegiance, to Constantine, caused it to be administered to the guards, and the great officers of the army. These acts were done with

the advice, and approbation, of the empress mother.

Scarcely had Nicholas discharged this duty, when he was apprised by the senate, that the late emperor had deposited in their hands, in October, 1823, a letter under his seal, with a direction upon it, in his own handwriting, to open the packet, immediately on his decease, and before proceeding in any other business. This packet contained a letter of Constantine's, dated January 14, 1822, addressed to Alexander, by virtue of which, he renounced the succession to the throne, belonging to him, by right of primogeniture ; and a manifesto, bearing the signature of Alexander, dated August 16th, 1823, ratifying Constantine's renunciation, and declaring Nicholas to be his successor, in the empire. Documents of the same tenor, were deposited also, with the directing senate, and the holy synod, and in the cathedral church of the Ascension, at Moscow.

Nevertheless, Nicholas refused to abide by an abdication, which, when it took place, was not proclaimed publicly, and had not received the force of law, as irrevocable. Accordingly, the senate took, and subscribed, the oath of allegiance to Constantine, caused him to be proclaimed, by ukase ; and despatched orders to every department of the empire, to have the

oath administered to all the male subjects of Constantine.

Intelligence of Alexander's death reached Warsaw, direct from Taganrog, two days before it was known at St. Petersburg. Constantine, immediately before hearing from the capital, addressed letters to the empress mother, and to Nicholas, in which he persisted in renouncing the throne. Meantime, he continued to reside at Warsaw, as a private individual; and when acquainted with the proceedings at the capital, he again wrote to Nicholas, solemnly persisting in his previous declarations, and refusing the proffered allegiance of the Russians.

Nicholas no longer hesitated to assume the imperial dignity. By a manifesto, dated December 24th, he announced the foregoing facts, annexing to it copies of the writings and correspondence of which we have given an abstract. The 25th, he communicated these documents to the senate, and was immediately proclaimed emperor of Russia. On the next day, the manifesto was published, and orders were issued to the guards to re-assemble and take the oath of allegiance to the new emperor.

These remarkable incidents, could not but fill Europe with astonishment. The world hesitated to believe, that both Nicholas and Constantine were so ready, to re-

linquish his claims to the greatest empire on earth. Curiosity was busy, above all, to discover the causes and motives of Constantine's renunciation in 1822. They, who suspect duplicity in every act of a court, insist that Nicholas was insincere, and that Constantine was authoritatively compelled to abdicate in favor of his younger brother. On the other hand, if it was so, never did compulsion wear more completely the air of cheerful willingness. In his letter of abdication, Constantine says: "I do not lay claim to *the spirit, the abilities, or the strength*, which would be required if I should ever exercise the high dignity, to which I may possess a right by birth." He afterwards says: "*The circumstances of my present situation*, induce me still more to adopt this measure." These expressions furnish much color to the generally received idea, that Constantine was prevailed upon by Alexander to do this, in consideration of the emperor's consenting to his marriage with a Polish lady of humble circumstances. But the submissive-ness of temper implied in such an act for such a cause, and his disqualifying expressions concerning himself above cited, are by no means in unison with the impetuous and warlike character, which Constantine has always been supposed to possess.

Nicholas was born in 1796, and educated with care befitting his rank. Storch, the political economist, was his instructor in the science of government. He is accounted of a mild, equable disposition ; in this respect exactly resembling Alexander, whose measures and temper he seems desirous to imitate. He has several children, the oldest of whom, Alexander, was born in 1818, and is heir apparent of the Russian empire.

Notwithstanding the deliberate caution, with which Nicholas proceeded previous to ascending the throne, and the reiterated acts of renunciation voluntarily executed, by Constantine ; so great a change in the order of succession, was not effected without disturbance and bloodshed.

Opposition to the new emperor, was first exhibited by part of the regiment of Moscow ; who, when required to take the oath of allegiance to Nicholas, left their barracks in martial array, proclaiming Constantine. They marched to the square of Isaac, where they were joined by one or two other corps, which increased the number of the seditious to about two thousand men. General Miloradovitch, the military governor, instantly repaired to the square, and endeavored to reclaim the mutineers, but was shot at and mortally wounded with a pistol. Nicholas also addressed

the rebels himself, but in vain. At length, when night approached, the soldiers persisting in their mutiny, it was found necessary to order up the troops ; who soon dispersed the rebels, and killed about two hundred of their number. Tranquillity was quickly restored ; and all the rest of the troops in the city, remained faithful to their duty.

Nicholas issued a proclamation, in consequence of this disturbance, to justify the measures of severity adopted. He declared that the mutineers were not actuated by any regard for Constantine. His name was merely a pretext for their disorders. Their object, he affirmed, was long meditated, and matured in darkness ; it being no less than to cast down the throne and the laws, and overturn the empire.

A special commission was immediately instituted, consisting of the grand duke Michael, and several high officers of state and the army, to inquire into the causes and extent of the alleged conspiracy. Numerous arrests followed, chiefly of military officers. One of the orders led to another disturbance, more deliberate and persevering than the first. Lieutenant colonel Mouravieff Apostol, one of the accused, attacked and wounded his colonel, who attempted to arrest him, and instigated six companies of the regiment to revolt, under pretence of fidelity to Con-

stantine. After pillaging the military chest, setting free the malefactors imprisoned at Vassilkoff, plundering the town, and committing various other disorders, the insurgents marched towards Bela-Tcherkoff. They were overtaken and attacked by prince Scherbatoff, with a sufficient body of troops, and all who were not killed in the engagement, laid down their arms, and were taken prisoners.

Arrests continued to be made, pending the sittings of the commission; until, at length, their proceedings were concluded and published; from which it appears, that a number of officers, who had served in France and Germany, and imbibed some notions of liberty, but neither sound nor practicable ones, on their return to Russia, established secret societies for the purpose of disseminating their principles. The parent society was called the "Union of Safety." No harmony existed among the different leaders, whose views were utterly at variance. Some proposing a republic, some a constitutional monarchy; and no rational plan of operations had yet been concerted.

The report of the commission on secret societies was made, May 30th; and was directly followed by the appointment of a high court, for the trial of the parties accused. After a laborious examination of

all the evidence, the court convicted one hundred and twenty persons of participating in the conspiracy. They were classed and sentenced, according to the aggravation of their respective offences; five to be drawn and quartered, and the rest to various punishments, from death down to exile and degradation.

By imperial ukase, the proceedings of the court were approved, but all the punishments commuted to less severe ones. Five persons only, were ordered to be executed capitally, and they, simply by hanging, which took place July 25th, 1825. And thus, in the termination of the affair, Nicholas had an opportunity to exercise his clemency, which he did not fail to improve; thereby effacing the memory of scenes and incidents, which threw a gloom over the commencement of his reign.

The rest of the year was occupied with events, both at home and in respect to foreign countries, of a more agreeable nature.

Pursuant to previous arrangements, the coronation of the emperor took place at Moscow, in September, at which, all the great officers of the crown, and the members of the imperial family assisted. Constantine himself, by his presence on the occasion, attracted great attention. On the day of the coronation, Nicholas issued a

manifesto, declaring the succession to the Russian throne, as laid down by the emperor Paul, in 1797, to remain unchanged in principle. The grand duke Michael was also pronounced regent, during the minority of any son of Nicholas; and to him the succession was to devolve, in case the latter died without issue.

Public expectation had long been anticipating a war between Russia and Turkey. The sympathies of the former, it was well known, were strongly excited in favor of the struggling Greeks. Add to this, that Nicholas seemed to need some employment for his great armies, to dispel their discontent and uneasiness. Every journal, therefore, continued to teem with speculations on the probable event; until May, when the Porte announced to all the foreign ministers at Constantinople, the conclusion of a provisional arrangement between the two powers. By instructions from his court, M. de Minziacky, the Russian envoy in Turkey, had presented an *ultimatum* to the Porte about a month before, which was now accepted.

Turkey entered into engagements to re-establish the ancient order of things in Wallachia and Moldavia; to release the Servian deputies, imprisoned in 1821, and satisfy the demands of Servia; and

immediately to appoint plenipotentiaries to meet with Russian commissioners, and settle all the points remaining in controversy between the two parties.

Ackermann was designated as the place of conference, where the commissioners met August 6th. After a month's deliberations, the Turkish commissioners signed a convention, providing for executing the treaty of Bucharest, and almost precisely conformable to the original propositions of the emperor of Russia. Pursuant to the last article of it, ratifications were to be exchanged within four weeks, which was accordingly done; the Porte thus acceding, almost unconditionally, to the demands of Alexander and Nicholas. This result was probably hastened in respect to both parties, by their actual situation; the sultan being fully occupied by the reforms in his army, no less than by the Greek war, and Nicholas desiring to concentrate his forces on his Persian frontier. In effect, the treaty gave complete security to the Russian trade in the Black sea, and placed Wallachia, Moldavia, and Servia, under the protection of Russia.

While Russia has been cultivating the relations of peace in Europe, in Asia she is engaged in a war, which promises to extend the boundaries of the Russian empire.



and add to its already excessive magnitude, by new conquests from Persia.

The political condition of Persia is represented as being peculiarly critical. At the death of the reigning shah, Feti Aly, who is advanced in years, numerous aspirants for the throne, threaten to rise and involve the kingdom in civil discord. Its government is notoriously weak and inefficient; its finances are deranged; its king is avaricious; and his subjects are disaffected. Under these circumstances, it would, indeed, be extraordinary, if Persia should attack her powerful neighbor, and involve herself in a war, which may, perhaps, end in removing the greater barrier between Russia and the English possessions in India, an event which is, very justly, much apprehended by the British government. The immediate causes of the war are to be found in the following state of things:—

By the treaty of Gulistan, concluded in 1814, Persia ceded to Russia certain provinces in Georgia; agreed to maintain no navy in the Caspian sea; and the boundary line between the two states was defined: while Russia, on her part, agreed, to sustain the heir to the Persian crown against all competitors. Difficulties, however, attended the adjustment of the business; Russia delaying, under va-

rious pretexts, to appoint commissioners to adjust the boundary line; and it was not completed at Alexander's death. In the process of this controversy, we find, under cover of great moderation of professions, on the part of Russia, her sub-governors entirely regardless of the rights of Persia.

In the summer of 1825, M. Mozarovitch, a Russian ambassador, came to the shah's camp, for the purpose of endeavoring to obtain his majesty's ratification, of certain terms agreed upon between Futteh Alle Khan and general Yermoloff, the governor of Georgia, at Teflis; but his majesty distinctly refused his consent to the arrangement. In the autumn of the same year, M. Mozarovitch left Persia; and the government of Georgia, acting on what they called the treaty of Futteh Alle Khan, which they had previously endeavored in vain to induce the shah to ratify, occupied, with a military force, the lands which would have become theirs, had this treaty taken effect.

One of these portions of land was an uninhabited stripe, called Gokcheh, which borders on the lake of Gokcheh or Sevan, and which had been in the undisputed possession of Persia, ever since the conclusion of the peace. Russian picquets had been placed there some years before, to prevent the desertion of their wandering tribes.

who pastured their flocks in summer in its vicinity, and in winter had been regularly withdrawn. To the remonstrance of the prince royal against the military occupation of this part of the Persian territory, general Yermoloff had replied, by admitting the justice of the prince's remarks; but excused himself on the plea, that the measure he had adopted was mutually advantageous, and concluded by offering to withdraw the detachment, if his royal highness should continue to think it necessary.

Yet, after all this, on the strength of an unratified engagement, concluded by the agent of a deputed authority, Russia took permanent possession of this very piece of ground.

As soon as the occupation of Gokcheh was known to the court of Tehran, a respectable envoy was sent to Teflis, to remonstrate against the measure, and to propose that the Russian detachment should be withdrawn, at least until time should be given for an appeal to the justice of the emperor. This was refused; and in answer to the letters which the shah had written to the governor-general of Georgia, he was informed that Gokcheh would be given up by Russia, if the lands of Kapan were immediately evacuated by Persia.

These lands of Kapan had been, from the conclusion of the peace, in 1814, in possession of Persia; but

within a few years, a claim, supported by some weighty arguments, had been set up by Russia, and it remained one of those points, which it would have been the duty of commissioners to decide upon. The claims of Persia were, at least, as well supported as those of Russia; and some of the Russian official maps had marked Kapan as belonging to Persia. It was, therefore, an obvious injustice to seize an undisputed possession of Persia; and to demand, as the price of its evacuation, the abandonment of claims, which were probably just, to another portion of territory.

At this time the death of the emperor Alexander was announced, and the confusion which was caused by the annunciation of Constantine as his successor, and the subsequent abdication of the throne in favor of Nicholas, suspended the discussions.

After the accession of Nicholas, prince Menzikoff was despatched to Persia, to conclude an agreement, respecting the matters in controversy. But, now the Persian court began to suspect the intentions of Russia; and that she was determined only to consult her own convenience in the settlement of the frontier.

At the same time it was whispered that the tranquillity of the Russian empire had been disturbed; that a civil war was carried on in

St. Petersburg ; and that the tribes of the Caucasus were already in arms, to assert their independence.

It was known that the misrule of the Russian authorities in Georgia, and their wanton interference with the religious prejudices of their Mahomedan subjects, had produced a feeling of serious discontent. Proposals had even been made to Persia by the heads of the tribes, and chiefs of districts, to co-operate with her in a war against Russia. Letters had been written by the Mahomedan population of all the Russian provinces bordering on Persia, to the head of their religion, imploring his interference in their behalf : and he had come from the sanctuary of Kerbelace, expressly to urge the shah to take up arms in defence of his insulted religion. The whole ecclesiastics of Persia joined their leader, and the mosques were filled with persons of all classes, lending a willing ear to the inflammatory orations of their Moolahs ; while the shah was threatened with the curses of the faithful, and even with everlasting perdition, if he failed to take up arms in the holy cause.

In the midst of this ferment, prince Menchikoff arrived in the royal camp. He was treated with honor, and even with distinction. Sanguine hopes were entertained that every thing would be satisfactorily arranged ; and if there were

some, who, for private ends, wished to hurry Persia into a war, there were many of the most influential of her councillors, who anxiously desired to avoid it. The king himself was of this number ; and though he had been induced to give a solemn pledge to the Moolahs ; that if Gokcheh was not restored, he would agree to make war upon Russia, because he would then be justified in doing so ; still this pledge—which had been exacted from him by the influence of the Moolahs on his inability to withstand their demands—was given under a moral conviction, that the envoy of the emperor would rather relinquish a worthless spot, to which his government had no just claim, than allow the dispute to be decided by the sword.

But, in answer to all demands for the evacuation of Gokcheh, the Russian envoy replied, that he had no instructions regarding it, and was not empowered to agree to its evacuation. It was proposed that it should remain unoccupied by either party, until a reference could be made to the emperor. This he was equally unable to comply with, and he put an end to the discussion, by repeating that his instructions extended to nothing, beyond some trifling modification of the unratified treaty of Futteh Allee Khan.

Those who had been clamorous

for war, now called upon the shah to redeem his pledge, or forfeit his hopes of heaven. The Mahomedans of some of the Russian provinces were already in arms, and even the Christians of at least one of these, had made overtures to Persia. The troops had been excited to enthusiasm by the Moolahs, and the war was commenced by the invasion of the frontier provinces of Russia. At the same time Abba Mirza, the heir presumptive to the crown, issued proclamations inciting the Mahomedan subjects of Russia to revolt, by appealing to their religious prejudices. Russia then formally declared war against Persia, and professed her determination not to lay down arms "until she obtained guarantee for a perfect security for the future, and a just indemnity by an honorable and solid peace."

Several actions have taken place, some of which, may be mentioned. The first important one, was September 12th. The Russians were commanded by prince Madatow; the Persians by Mehmed Mirza; son of Abbas Mirza, whose forces were completely routed, and driven beyond Elizabeth Pol. At this place, the Russians took possession of the Persian camp, with large magazines of provisions.

Troops were now ordered to be in readiness to join those already engaged in the war; and the Rus-

sians prepared to pursue the Persians to Karabagh. Notwithstanding their late defeat, however, the Persians attacked a Russian detachment on the 25th of September. Abbas Mirza himself, and three of his sons, were present; but their forces sustained defeat, and were pursued, in a disorderly flight, beyond the Araxes. It should be remarked, that prince Menzikoff, after being deceived with representations of the shah's pacific intentions, until his forces had actually invaded Russia, was then imprisoned and detained in confinement twenty-five days, in open violation of the law of nations, as practised in more civilized countries, and of his rights as an ambassador. We must not, however, expect from eastern governments, that strict observance of those rights, which civilization exacts from European nations.

At the commencement of the war, the irruption of the Persians was the signal for an insurrection among the Mahometan subjects of Russia in that region. In consequence of this, the Russians were obliged to evacuate several provinces, and the Persians penetrated also a considerable distance towards the Caspian sea. These events occasioned great consternation among the Arminian merchants, whose business was thereby interrupted. But the prompt

movements of the Russians, quickly changed the face of things, and, as we have already stated, transferred the seat of the war to the Persian territory. While on one hand, the Russian government represented this controversy, as originating in the perfidy and folly of the shah and his advisers; the Persian government lost no time in notifying the European courts, the English particularly, of the propriety of its own conduct, ascribing the origin of the war to Russia.

The Russian army of the Caucasus is under the command of general Yermoloff, an officer of great reputation and talents, who, in that remote region, with an army of 60,000, or, as some say, 80,000 men, is in the possession of great power. His head quarters are at Teflis, the ancient capital of Georgia. His troops are accounted among the finest in the Russian

service, consisting, for the most part, of those who accompanied Alexander to Paris. In nearly all the engagements, which have thus far taken place, the Russians have been successful; though the Persians have, in some instances, claimed the victory; and as the numbers of the army can easily be increased from other cantonments, the Persians stand no chance, that we can see, of ultimate success. She must, at last, make peace upon such terms as she can obtain from the moderation of Russia; and as the policy of that power has uniformly pointed to the extension of her frontier, on the side of Persia, it is obvious, that the results of the war will only hasten the period, when the colossal power of the north, and Great Britain, will come in collision, upon the plains of India.

## CHAPTER XI.

**GREECE.**—*Dissensions—Government—Insurrection in the Morea—Patras—Preparations of the Egyptians and Turks—Messolonghi invested—Siege of Navarino—Engagements—Splactina taken—and Navarino—Ibrahim advances to Tripolizza—Ulysses—Events at Messolonghi—French faction at Napoli—Egyptian fleet, burnt at Modon—The Greek fleet—Hydra threatened—Attempt at Suda—Massacre at Hydra—Attempt at Alexandria.*

Long suffering Greece, again resumes a place in the history of nations. The seas, and shores, celebrated in classical song, now attract the attention of mankind, as the theatre of a sacred war, in which the Greeks, no longer conquerors of Asia, are contending for life and liberty, on their own soil. It is a struggle which enlists all the sympathies of civilized man, in favor of those, who profess our own religion, and who possess like tastes with ourselves, and against the inveterate enemies of christianity, of education, of letters, and of political improvement. In relating the vicissitudes of this war, during the year 1825, we shall confine ourselves to a plain simple statement of the well authenticated facts, of most importance, without indulging our feelings in any observations of a general nature.

The winter preceding the campaign of 1825, was consumed by the Greeks, in disastrous dissen-

sions, which prevented their accomplishing any important movement in the war. But for this, they might have effected the reduction of Patras, and been prepared to meet their enemies in the spring, with redoubled vigor. Divided by situation, the modern Greeks of Roumelia, of the Morea, and of the islands, are not less the prey of cabals, and factions, than their versatile and restless ancestors. The same fickleness of temper; the same thirst of distinctions, which the ancient Athenians indulged, at every hazard; the same indefatigable spirit of intrigue, reigns in the breasts of their descendants; and on the other hand, if the genius, quickness, activity, and patriotism, which also characterized the Greek of olden time, had not survived, through all the reverses of the nation, we should not witness their present glorious struggle for freedom. But their differences, at the period under consideration, were

peculiarly unfortunate ; because the emergency demanded the united exertions of all their strength.

As then constituted, the government, unfortunately, did not enjoy the unqualified confidence of the people. George Conduriotti, a man of strict honor, and of unshaken integrity, it is true, but of little talent, was president of the executive body, to which station he was exalted in part, to conciliate the Hydriots. He, and his brother, were the most opulent merchants of Hydra, which has acted so noble a part in the revolution. His principal adviser, and secretary of state, Mavrocordato, is variously represented ; but although his purity of character is questioned, there can be no doubt of his talents, address, familiarity with politics, and other general qualifications, for his post. Being a Fanariot, and without connections in Greece, he labored under disadvantages, which considerably diminished his usefulness. Of the other four members of the executive body, namely, Botazi, Speliotaki, Mavromichalis, and Coletti, the latter was accounted by far the most clever and intelligent ; although his manners, and some measures ascribed to his agency, had procured him the reputation of dangerous ambition. This government, (whether justly or not, is less material,) was accused by the Moreots, of partiality, and

injurious preference for the Roumeliots ; and hence the probable origin of the subsequent dissensions.

Irritated by some alleged strong instances of such partiality, and jealous of not possessing their due influence in the government, the chiefs of the Morea rose in arms, in the autumn of 1824, headed by the celebrated Colocotroni. The government exerted itself, with great energy, to suppress this unlucky ebullition of anarchy. Coletti, aided by the Roumeliot generals, Izonga and Goura, marched against the insurgents, and succeeded in reducing them to subjection. Two of the leaders, Zaimi and Londo, left the Morea, and took refuge in Kalamos ; the remainder surrendered to the government ; and Colocotroni himself was confined to a monastery among the hills of Hydra.

The rebellion being thus effectually quelled, the government undertook the blockade of Patras in earnest, and under most favorable auspices. All the Morea, except Patras, and the small fortresses of Coron and Modon, was in the possession of the liberators ; and so was most of Western Greece. By means of the English loans, the finances of the government were placed in a condition to carry on the approaching campaign with spirit. Thirty ships, acting in concert with a sufficient body of land



forces, closely invested Patras, the garrison of which being already straightened for provisions, would, it was expected, shortly capitulate.

In the mean time, the sultan had employed the winter in extensive preparations for striking a decisive blow ; his chief reliance, however, being upon the energy of Mohammed Ali, pacha of Egypt. Pursuant to its favorite policy, of destroying one rebel by means of another, the Porte summoned him, in the moment of despair, to aid in the conquest of Greece. This too potent subject, already master of Egypt and Arabia, had now added Candia to his dominions, and was allured to fresh exertions by the prospect of gaining the Morea. Through that country, he would enter Europe, and obtain immense accession of strength and resources. Possessing a powerful navy, and an army of soldiers disciplined and equipped on the European model, he enjoyed incalculable advantages over the undisciplined and unorganized troops of regenerate Greece. Ibrahim Pacha, his son-in-law, who commanded his forces in the Morea, was advised by the French officers, employed to instruct the Egyptian army ; and reposed full confidence in colonel Sève, who actually exercised command, having embraced the Mahometan faith, and assumed the name of

Soliman Bey. Their influence communicated to the proceedings of Ibrahim, all the regularity of civilized warfare. The Egyptian fleet wintered in the harbor of Suda, in Candia. Ibrahim arrived at Rhodes, January 1st, 1825, where 5000 disciplined soldiers awaited him, with which he returned to Candia, to complete his armament there, and then sail for the Morea.

At Constantinople, on the other hand, arrangements were made to second Ibrahim, by correspondent movements in Western Greece. To conciliate the Albanians, Omer Pacha was transferred to Salonika ; and the Roumeli Valisi was appointed to supply his place in the pachalic of Yannina and Delvinat-si, to which, if he succeeded in subduing them, Roumelia, with Messolonghi and Anatolia, was to be added. He immediately commenced raising troops at Larissa, intending to pass over from thence to his new government, and after levying soldiers there, to descend, with all his forces, upon Messolonghi.

Anticipating his destination, Notta Bozzaris, accompanied by generals Suka and Milios, set forward with a sufficient force, to occupy the passes of Makrinovo, the ancient Olympus, through which it was expected he would attempt to enter Greece. Izonga was also stationed at Karbassura, and Iskops

appointed to have direction of the whole. The Turks proceeded with unwonted despatch. Early in March, the Roumeli Valisi reached Yannina, and the 20th of the same month, arrived at Arta, with 15,000 men, from whence he marched on to Makrinovo. He unexpectedly found the passes open; for the Greeks quitted their posts and crossed over the Achelous, without a single battle; thus leaving all the country north of the river, exposed to the ravages of the Turks.

No sooner was all this known at Messolunghi, than a deputation was sent to the generals, desiring them to recross the Achelous, and to seize upon the passes this side of Makrinovo. Izonga immediately set out for Ligovitz; but found himself anticipated by the enemy, and was under the necessity of falling back upon Lesini. Here a short conflict ensued, and the Roumeliots becoming aware of their inability to arrest the farther progress of the Turks, repassed the river, and retreated to Messolunghi. The approach of the enemy being daily expected there, the government hastily took the necessary steps, to place the town and the garrison in proper order for defence. To Nota Bozzaris, Suka, Milios and others, was committed the care of Anatolia, with the charge of keeping up a constant

communication with Messolunghi. The Turks made their first appearance before this place, April 27th; and before Antolia, a few days previous. Some slight skirmishes immediately took place, but no engagement of much consequence; the enemy being chiefly occupied in commencing their lines, and throwing up entrenchments.

We must now suspend our account of the operations here; to bring down the history of events in another quarter of Greece. The patriots continued the blockade of Patras, the progress of which was observed with keen attention, because its fall was every moment expected; and the naval forces which cruised before it, were indispensably necessary to check the armament of the Egyptians, and prevent Ibrahim's transports from leaving Crete. Intelligence repeatedly reached the government, of the activity with which the pacha hastened his preparations. At length, advices arrived of the approaching departure of his fleet from Candia. The garrison of Patras was now ripe for surrender; and the Greeks, anxious not to withdraw their blockading squadron until the last moment, unfortunately deferred it too long. Almost on the same day that they sailed from Patras, to intercept the Egyptians, the squadron of the latter anchored off Modon, February

24th, and disembarked 6,000 well disciplined soldiers, who immediately encamped around Modon, while the ships returned to Suda for additional troops.

It soon became apparent, that Navarino and the adjacent country, were destined to be the immediate seat of the war. Accordingly, the attempt on Patras was wholly abandoned. Both parties, however, remained inactive, until March 12th, 1825, when Ibrahim Pacha having received a reinforcement, pitched his camp before Navarino, with an army of 14,000 soldiers. This town, standing upon the site of the ancient Pylos, was an object of importance to the Turks, not only from its geographical position, but as being one of the best ports in the Morea. The harbor was protected by the island of Sphacteria, which completely commanded the entrance to Navarino, and the fortress there, as well as that of old Navarino, at the other extremity of the port. Fortifications, erected by the Venetians when they had possession of the Morea, enabled the Greeks to undertake the defence of the place, with strong hopes of success. The government made spirited efforts to meet the Egyptians. A garrison of 2,000 soldiers, commanded by the Bulgarian Hadgi Christo, and Joannes, the youngest son of Petro Bey, the Mainote, threw themselves into the

fortress. Major Collegno, a Piedmontese exile of great bravery and merit, was appointed to superintend the fortifications. From all parts of the Morea, provisions were sent in sufficient quantities to sustain a long siege. And while Conduriotti and prince Mavrocordato prepared to march from Napoli with fresh troops; large bodies of Roumeliots, commanded by Giavella, Karatasso, Constantine Bozzaris, and Karaiscaki, took positions in the rear of the besiegers.

In this condition, things remained for several weeks. Petty contests took place almost daily, which lessened the numbers on each side; but did not end in compelling either the Greeks or Egyptians, to change the positions they had taken. But, on the 19th of April, a serious engagement occurred. The president Conduriotti, with prince Mavrocordato, had now arrived at the camp. Ibrahim posted himself east of Navarino, and erected a small battery south of the fortifications, whence he kept up an incessant cannonade. Along his rear, the Greeks extended their line, almost in a circle, with the intention of cutting off his communication with Modon. Hadgi Christo, Hadgi Stephano, and Constantine Bozzaris, commanded the left extremity; Giavella and Karatasso, the right; and a body of Moreots occupied the centre command-

ed by Skurtza, a Hydriot, who was raised above his capacity by the partiality of his countryman, Conduriotti. On the 18th, the Greeks received intimation, that the Egyptians designed to make a general attack the next morning. At the extremities, every thing was fully prepared for it; but Skurtza having neglected to throw up the necessary defences, Constantine Bozzaris repaired to his position with a select body of soldiers. Early in the morning, Ibrahim marched his forces to the attack, in three divisions. Hadgi Christo at one point, and Giavella at another, sustained the assault with unshrinking courage; but Skurtza's Moreots fled precipitately, leaving Bozzaris to withstand the enemy alone. His chosen soldiers were soon cut to pieces, only himself and twenty-seven of his followers escaping with life. Two of the bravest capitani, Xidi and Zapheirupuolo, were made prisoners; and four other distinguished leaders perished in the battle.

Elated with their success, the Egyptians attempted an assault upon the walls; but the garrison repulsed them, sallied, and took possession of the newly constructed battery, spiked all the cannon, and safely retired again within the walls. The enemy immediately brought up fresh cannon, and recommenced a constant discharge of shot and

shells, but without gaining any material advantage.

Even in the greatest extremity of their dangers, the Greeks could not abstain from perpetual and ruinous dissensions. In passing through the Morea to Navarino, the Roumeliots had treated the Moreot peasantry, with much contempt and violence. Since their arrival at the camp, there had never been any cordial co-operation between the troops of the two districts; and the pusillanimity of the Moreots in the late engagement, to which Bozzaris justly ascribed his defeat, served to widen the breach. At length, on the arrival of the Turks before Messolonghi, the Roumeliots openly declared their determination to march immediately to the protection of their own homes, and leave Navarino to be defended by the garrison and the troops of the Morea. Led by their respective generals, Giavella, Karaiscaki, and Bozzaris, they set out accordingly; and the Moreots took arms, with great spirit, to supply their place. The two rebels, Zairni and Londo, returned from Kalamos, whither they had fled for refuge, submitted to the government, and diligently went about raising troops in their native district of Kalabrita.

Nothing further, of much moment, transpired, until the 6th of

May, when the Egyptians endeavored to land a body of troops at Old Navarino. But, after a smart action, which continued all day, the enemy were compelled to retire, without effecting their purpose. Their fleet fell back in the direction of Modon; and only eight ships of the Greek squadron remained within the harbor of Navarino, the rest beating off at some distance from the shore. Early on the morning of Sunday, the succeeding day, the enemy's fleet was observed to be moving upon the island of Sphacteria. Soon after noon, they had advanced near to the island; whilst a dead calm prevented the Greek fleet from seasonably entering the harbor. Meanwhile, no time had been lost in hastily arranging matters for the defence of Sphacteria. A small battery of three guns, with a garrison of two hundred soldiers, directed by Stavro Sohini, a gallant young Hydriot, and by general Anagnostara, commanded the only landing place on the island. To these were added a party of sailors, from the ships, under the brave and celebrated Hydriot, captain Anastasius Psamado; prince Mavrocordato remaining on the island to direct the whole, aided by count Santa Rosa; a Piedmontese nobleman, who, banished from his own country for his devotion to the principles of li-

berty, perished on this day, a martyr to the same holy cause.

The pacha divided his ships into two squadrons; one being stationed at the entrance of the harbor, to shut up the eight ships within, and the other remaining off the island, to oppose the Greek fleet, should they come up to the succor of their countrymen. On the island, the gallant little band could now see the Egyptian boats filling with Arabs, to the sound of the drum. They landed 1500 men, who completely overpowered the garrison by numbers, and cut them to pieces indiscriminately, without the exception of a single man. Sohini and Anagnostara fell among the very last, after a most desperate, but fruitless, resistance. The little parties, stationed at other points of the island, now fled in confusion. All the ships in the harbor precipitately got under weigh, except Psamado's brig, which remained to rescue the surviving Hydriots;—the Egyptian fleet dividing, and leaving them a free passage.

Psamado's crew sent their boats on shore, and prince Mavrocordato escaped on board; but when the boats again reached the shore, the fugitives crowded into them so eagerly, that they sunk. Just then, Psamado approached with a handful of followers, weak from loss of blood, and waved his cap to his

brave sailors for the assistance, which they could no longer afford. The Egyptians soon came up, and he fell under a shower of bullets. Not a Greek now remained alive on Sphacteria. Count Santa Rosa had disdained to fly, and bravely met a glorious death among the desperate defenders of the island. Finally, the last survivor, Dimitri Sartouri, the commandant of the fortress of Navarino, plunged into the sea, and swam to the vessel. Psamado's crew learning the fate of their captain from him, prepared to make their way out, through the Egyptian fleet, which now closed up the entrance of the harbor. Although immediately surrounded by five vessels, this solitary little merchant brig, of eighteen guns, resolutely fought her way along for six hours, in almost a dead calm, and escaped with the loss of only two men killed, after sustaining an attack from thirty-four ships of war.

This battle was most fatal in its consequences to the Greeks. Three hundred and fifty soldiers, and ninety seamen, perished; actually a greater number than Hydra had lost during the whole revolution. Psamado was the brother in arms of Miaulis, and one of the most distinguished Hydriot captains. So bitterly was his death felt by his crew, that one of them endeavored, in his despair, to set fire to the powder magazine, and blow up the

brig.—Hydra was filled with lamentation and mourning, when tidings of the misfortune reached the inhabitants.

At the seat of the war, the immediate consequence of losing the island of Sphacteria was the surrender of Old Navarino, otherwise called Palaio Castro. This fortress is situated on a small peninsula, united to the main land by two narrow isthmuses; the space between which is occupied by a salt water lake. Defences had been erected on each of these necks of land; and the Egyptians obtained possession of one of them, and of the only spring which supplied the garrison with fresh water, on the evening after the capture of Sphacteria. Desperate as the situation of the garrison now was, they, nevertheless, determined to hold out to the last moment. Accordingly, they maintained their ground the next day, against a vigorous assault of the besiegers. But on Tuesday, two of the French officers in the Egyptian service, proposed a capitulation, and gave the strongest assurances of its being faithfully observed. The garrison, considering that, if taken by assault, they would retain no claim to mercy, and that they must surrender, from famine, in a few days, at most, at length accepted the terms offered; marched out to the number of 1070 men; and after

giving up their arms, were suffered to depart in safety. Ibrahim had previously made prisoners of Hadgi Christo, and the bishop of Modon, the two principal Greek commanders.

As might be anticipated, the fall of Navarino itself soon followed; for the whole united power of the Egyptian army was directed to its reduction. Incapable of successfully resisting a force so disproportionate to their own, and straightened for provisions and water, the garrison, after holding out until no hope of succor either by sea or land remained, at length capitulated May 23d, under guarantee of some European vessels in the harbor. By the conditions of surrender, the Greeks were to march out without arms, and to be transported to Calamata; and the Egyptians fully complied with the treaty, except in retaining Iatracco, and Georgio, son of Petro Bey, on the pretext that the Greeks had in like manner, detained two pachas after the capitulation of Napoli.

By gaining this admirable harbor, the Egyptians secured a safe wintering place, and obtained possession of a key to the entire western coast of the Morea. The utmost dismay now seized on the Moreots. They loudly demanded the release of Colocotroni, to which the government yielded their consent. He arrived at Napoli, May

13th, and his reconciliation with the government, was celebrated with enthusiastic rejoicings. They mutually agreed, upon a general amnesty and oblivion of all past injuries; and zealously united together in the common cause, of opposing the farther progress of the Egyptians. Colocotroni summoned all the inhabitants of the Morea, to his standard. Pappa Flescica, minister of the interior, marched forward to garrison Arcadia, a fortress not far from Navarino. Petro Bey repaired to Maina; and undertook to raise his followers. Every where, a new spirit seemed to be infused into the bosom of the Greeks, by their recent disasters.

Ibrahim remained a few days at Navarino to repair the shattered fortifications, and then leaving a part of his army at Modon, set out with the rest for Calamata, and Arcadia; both which he captured, notwithstanding the determined stand made at the latter by Pappa Flescica, who fell, after performing prodigies of valor. Colocotroni, perceiving that the Egyptians meant to advance to Tripolizza, after various skirmishes and ineffectual attempts to stop the enemy, was obliged to burn the town, and remove the inhabitants to Argos, and Napoli di Romania. Ibrahim entered Tripolizza June 20th, with 7,000 troops. From thence he ad-



vanced and pitched his camp between Mylos and Argos, only three days march from Napoli. He reached this place of encampment unmolested: Colocotroni, who supposed his line of march would lie in the direction of Patras, having drawn off his troops to occupy the passes in that quarter.

Apprehensions for the capital being entertained, in these circumstances, prince Demetrius Ipsilanti, occupied the position of Mylos. Here the Egyptians attacked the Greeks; but the latter defended themselves so resolutely, that the enemy drew off intimidated, and passed onward to Argos. After burning this little town, the pacha struck his tents, and commenced a retrograde march on Tripolizza. Meanwhile Colocotroni, apprised of his movements, hastily returned to occupy the Parthenian passes, and cut off his retreat to Modon. But owing to his superior military knowledge, Ibrahim divided his line into two columns, and marching on each side of the Moreots, reached Tripolizza, before Colocotroni knew of his departure from Mylos.

The Egyptians remained at Tripolizza until September, when they retired to Calamata. Colocotroni was encamped in his vicinity during this time; but with troops so dispirited, and fluctuating in numbers, that no dependance could be

placed upon their exertions. The whole country between Tripolizza and Modon, was in possession of Ibrahim's soldiers, who reduced every village to ashes; and cruelly murdered every unfortunate peasant, who chanced to fall into their hands. A contagious disorder, with symptoms of plague, having made its appearance at Modon, he seemed resolved to remain at Calamata, to await the reinforcements, which he expected from Egypt; and also the progress of affairs at Messolunghi, to which it is time we should revert.

Previous to doing this, however, we shall narrate some important transactions, which occurred in another part of Greece. Ulysses, the powerful and crafty chieftain of Livadia, induced by some extraordinary motive, either of ambition, or of resentment, towards the government, withdrew himself, in the spring, from all connection with it, and confined his attention solely to his own province of Livadia. He fortified, as a stronghold, in case of the last necessity, a cave on Mount Parnassus, which was accessible only by ladders, and completely bomb proof, although capable of accommodating 2,000 persons, within its interior. Thither he removed his treasures, and family; and collected a supply of arms, and sufficient ammunitions, and provisions, for a long siege.

For the purpose of obtaining possession of the Negroponts, he opened a correspondence with the pacha, who had been one of his early friends. Frequent conferences followed, all with the same object. \* It is not probable, he entertained any design of betraying his country, although that has been imputed to him; but the better opinion is, that he merely designed to increase his own personal power, and thus to render himself independent, of the government, which was under the influence of his personal enemies. No sooner did his negotiations become public, than he was declared a traitor; and general Goura, a man, who owed all his fortunes to Ulysses, was appointed to command the forces in Attica, and to reduce the insurgent chief.

Ulysses, therefore, assembled his followers; and some slight skirmishes between his soldiers, and those of Goura, ensued; but in April, he surrendered himself to the latter; and was immediately imprisoned in the acropolis, at Athens. Here he remained till late in June; when he died. The account of his death, circulated by the government, represented him as having been dashed to pieces, on the pavement, at the foot of the tower, whilst endeavoring to escape from it. But there is much reason to believe, that this story was feigned, to cover the

imbecility of the government, which cut him off in this way; not daring to trust the result of a regular trial. Thus fell, a victim, either of his vices, or of civil discord, one of the most renowned, able, brave, and active, of the Greek chieftains, who, had he continued faithful to his country, might have done her the best service, in her present hour of trial.

We left the Turks before Messolonghi, in April, preparing for the siege of that place. They continued their preparations until May 10th, when they commenced bombarding the garrison, who returned their shot with equal vigor. At this time, the besieging force consisted of about 14,000 men, under the command of Kiaowtaches, and Youseph, pacha of Patras. The besieged felt confidence in the strength of the town, and in their ability to hold it, against the enemy; particularly if assisted by the Greek fleet, which was able to cut off the communication between the Turkish army and Patras. Little injury was sustained by the town, from the fire of the enemy, in consequence of their want of artillery, and of disciplined troops. In Messolonghi, therefore, the inhabitants, acting merely on the defensive, seemed likely, if well supplied with provisions, to prove a match for the Turks. But neither party displayed much activity.

In the district of Cravari, however, eastward of Messolonghi, the war proceeded with more spirit. Early in May, a small body of Roumeliots attacked a position of the enemy, at the village of Pappadia, defended by Babousa Sebrane, with a force 2,000 strong. After sustaining some loss, the Turks abandoned the position, and retreated to a monastery, between Loidorikion, and Cravari, where they were again successfully attacked by the Greeks. Occasional skirmishes continued to occur in the district called the 'Venetico, during the rest of the summer; and also in the west of the Morea, where the peasantry suffered much from incursions of the garrison of Patras, who penetrated to Gastouni and Clarenza, and almost entirely consumed the latter place. The Turks also captured Salona.

Thus affairs remained in this quarter, until the close of August. By that time, the garrison of Messolonghi began to be straightened extremely for provisions; and all hope of saving it, depended upon the operations of the fleet. A squadron accordingly advanced to Messolonghi; but could not immediately afford the needed succor; because the Turkish vessels occupied the narrow channel, leading to the town. But availing themselves of a favorable wind, and a dark night, the Greek ships quietly passed the Turkish

line, and took a position within it. When day broke, and exhibited the situation of things to the Turkish fleet, they drew off in great consternation, and left the Greeks opportunity to throw a sufficient quantity of stores into the town, to secure the garrison from future want. All apprehension for the safety of Messolonghi being at an end, the Greeks set sail, in pursuit of the Turkish squadron, which was making for Rhodes. Soon afterwards, in the beginning of September, the Turkish land forces hastily retired from before the town, and retreated in the direction of Arta, thus entirely failing in their third attempt upon Messolonghi.

With this event, which restored fresh spirits to the Greeks, the campaign seemed to be verging to a close. Something had been necessary to save the people from absolute despondency, at the signal successes of the Egyptians. On the fall of Navarino, and the subsequent advance of Ibrahim to Tripolizza, faction and foreign intrigue, added new disorders to those brought on by defeat, and by financial distress. Taking advantage of the emergency, general Roche, a *Philhellene*, having credentials from the Greek committee of Paris, busied himself in proposing to the government at Navarino, to accept a French prince for sovereign. He succeeded in creating

a faction in favor of his plan ; but met with strong opposition from the Hydriots, from Mavrocordato, and from Tricoupi ; who declared their preference for England, in case the Greeks should be compelled to put themselves under the protection of any foreign power. This partiality for the English, becoming, in the sequel, still more decided, and the government expressing a disposition to solicit the interference of Great Britain ; general Roche drew up a protest against the measure, alleging it to be derogatory to the honor of his nation. In this idle and unauthorised act, he was joined by Mr. Washington, a young American, who assumed to represent the feelings of the people of the United States on the subject. Their gasconading protest justly exposed both these gentlemen to much ridicule, not only in Greece, but, also, in the rest of Europe, and in America. Mr. Washington would have done greater credit to his country, by emulating Mr. Jarvis, Dr. Howe, and Mr. Miller, who more faithfully represented the good will of America towards Greece, in active personal service in her cause, at the post of danger. Indeed, it has been among not the least of the misfortunes of unhappy Greece, that individuals, puffed up with imaginary consequence, from their connection with Greek committees,

have intermeddled with the affairs of the revolutionary government, in a manner equally obtrusive in itself, and deleterious in its effects.

In our account of the campaign by land, we have occasionally introduced notices of the Greek navy ; but its achievements have been too glorious to be passed by, without a more particular explanation of the operations by sea. In the spring of the year, the fleet was divided into two squadrons. One of them, consisting of twenty-two gun brigs, partly Ipsariots, and partly Hydriots, cruised among the islands, and off Mytilene, to watch the departure of the Turkish fleet from the Dardanelles. The other, containing twenty-six sail, beside fire-ships, was stationed off Cerigo, under the command of the celebrated Miaulis, to observe the movements of the Egyptians.

Miaulis fell in with the Egyptian fleet, April 28th, and made an attack with his brulots ; but, owing to the want of sufficient wind, he was unable to accomplish any thing : and the Egyptians passed him, and debarked at Modon. Miaulis followed them with his whole force, and four fire-ships, and entered the harbor of Modon, May 12th, contemporaneously with the inauspicious events at Navarino. He found two frigates, and four corvettes, with numerous transports, in the harbor ; and, a favora-

ble breeze springing up at the same time, carried the brulots in, and prevented the egress of the Egyptians. The latter, finding their escape impracticable, fell into confusion, and were driven together beneath the walls of the fortress, where they all, to the number of twenty-five sail, became a prey to the flames. Nor was this all. Burning timbers, and other missiles, thrown up by the explosion of the ships, fell within the walls, and set fire to a magazine, containing a large quantity of ammunition, which exploded with a tremendous shock, perceptible several miles at sea. Unopposed by the terrified Egyptians, Miaulis brought off his brulottiers without the loss of a single man, and immediately sailed for Calamata.

The incident, which we have just related, affords a just idea of the victories of the Greek navy. No small part of the honor due to their actions belongs to the brulottiers, and a few of the ships of war, while the bulk of the fleet has rendered comparatively small service, to their country. The largest vessels being mostly merchant ships or brigs, the private property of individuals; their owners have been over cautious, in many instances, to prevent their sustaining damage. In the summer of 1825, the entire fleet did not exceed 65 sail; of which the Hydriots owned

forty, the Spezziots sixteen, and the rest were the remnant of the squadron of Ipsara. Among the brulottier captains, Constantine Canaris, had obtained the highest distinction; and among the others, next to the admiral Miaulis, might be mentioned Psamado, Sokini, Kreisi, Panagiota, the vice admiral Sak-touri, and the Ipsariot admiral Apostoli.

After the affair of Modon, the Greek fleet retired to the bay of Kolokythia, to careen and take in fresh stores, and obtain fresh brulots for another expedition; for the purpose of endeavoring to destroy the rest of the Egyptian fleet. Miaulis set sail May 25th; and off cape Matapan, received the disheartening intelligence of the surrender of Navarino. The next day, he met the Egyptians steering apparently for Candia; and determined to follow them. A sort of running fight was maintained between the two fleets for seven days; but the Greeks had no good opportunity to effect any thing with their fire ships, and did not possess adequate forces to venture upon attacking the Egyptians in any other manner. At length, want of provisions compelled Miaulis to retire to the bay of Vathico; and the Egyptians immediately steered for the harbor of Suda.

Early in June, Miaulis had information of the necessity of his re-

lieving Messolonghi; and he resolved to strike a decisive blow, by destroying the whole Egyptian fleet in Suda, which would effectually arrest the movements of Ibrahim pacha. But, in the mean time, the appalling news reached him that the Turkish fleet had passed the Dardanelles, and was rapidly approaching Hydra. Filled with apprehensions for the safety of their families and homes, the Hydriots hastily weighed anchor, and crowded every sail to fly to the succor of their beloved island; which contained all most dear to them in life. On arriving off Hydra, all their fears were happily dispelled, by the intelligence of the total defeat and dispersion of the hostile fleet, by the brave Saktouri.

Saktouri's division had been cruising for two months, in the Archipelago, for the purpose of intercepting the Ottoman fleet. His vigilance was a little lulled, perhaps, by continued disappointment; and the Turks arrived off Negropont May 31st, ere Saktouri, who was lying near Samos, was aware of their movements. He lost no time in pursuing them, and engaged them off Capo d'Ovo, in Negropont. His fire ships succeeded in destroying a *raçè* of sixty-six guns, a corvette, and a frigate; and captured five transports laden with stores, arms, and ammunition, which

were safely conveyed to Spertzia. The remainder of the fleet escaped, after being dispersed in all directions, except a corvette, which was abandoned by her crew, and blown up, to prevent her falling into the hands of the Greeks.

Miaulis therefore steered south again, for his original destination, being joined by Saktouri's squadron. After a short delay at Milo, they proceeded for Suda, June 10th, with a fleet of seventy vessels, and arrived there in two days. To his great chagrin, Miaulis discovered that a French vessel of war, the *Daphne*, had sailed from Milo, in anticipation of him; and apprised the Egyptians of his design. In consequence of this, he found them drawn up inside the harbor with more than ordinary skill, in four divisions; so that if one should be fired, the other three would still remain uninjured. Nevertheless, Miaulis prepared to attack the division in the outermost part of the harbor, consisting of about forty vessels. But all his exertions ended in the destruction of one corvette, which he did not accomplish without the loss of three brulots, and considerable damage to his ships of war. A few days afterwards, a severe gale of wind dispersed the Greek fleet, and Miaulis concluded to return to Vathico.

Whilst the fleet lay there, the ship of Athanasius Kreisi was

blown up, and himself, his brother, and sixty seamen destroyed. It appeared from the evidence of a sailor who escaped, that a Turkish slave, in revenge of a blow he received, had set fire to the powder magazine. When intelligence of this affair reached Hydra, it led to an explosion of popular vengeance, of the most deplorable kind. Almost every individual in Kreisi's vessel, left relations or connections at Hydra; and the infuriated mob immediately rushed to the prison, where a large number of Turkish captives were confined, and massacred every one of these unresisting wretches. The work of slaughter continued during the afternoon and evening, until the populace, after clearing the prison, dragged every slave from the houses and from on board the ships in the harbor, and stabbed them on the shore. They killed, in this manner, upwards of two hundred captives and slaves. No attempt was made by the primates, to put a stop to these disgraceful deeds, aware, perhaps, of their inability to interfere to much purpose.

Meanwhile, the Egyptian fleet, gathering courage, after the departure of Miaulis, left Suda, with a reinforcement of 5,000 troops for Navarino. The Greeks sailed from Vathico, June 26th; and the next day fell in with the Egyptians; but, after losing three brulots, in

a fruitless attack upon the enemy, Miaulis was compelled to retire, and the Egyptians reached Navarino in safety.

No other enterprise of any consequence, was undertaken by the fleet, until August, when a division of it relieved Messolonghi, as we have already seen, and arrested the progress of the enemy in that direction. Another squadron sailed for Alexandria, with the hope of destroying the Egyptian navy in that port. But here they were unsuccessful. The activity of the Egyptians baffled all their exertions; and they lost their brulots, without doing any execution among the enemy. The failure of this bold attempt, greatly disappointed the Greeks, who, in thus attacking the Egyptians in their own waters, counted upon effectually crippling their formidable foe.

Thus have we brought down the history of the affair of Greece, to near the close of the year 1825. Since that time, the affairs of that beautiful, but oppressed country, have reached such a crisis, that nothing, it would seem, but the interposition of the other Christian powers, can save it from the catastrophe of utter desolation. Important as have been the events of the last year, including the fall of Messolonghi, after a heroic defence, and the continued success of the Egyptian arms, we choose



rather to defer giving a narration of them until another volume, than to rely upon the unsatisfactory accounts of public newspapers for a knowledge of the facts.

The same period also embraces the radical reformation, introduced into the Turkish army by sultan Mahmoud, in imitation of what Mohammed Ali had already done

in Egypt. But ere we resume the history of Greece at the expiration of the year, we trust that the great nations of christendom will have exerted the power which they possess, to staunch the effusion of blood in a desperate contest, which is absolutely destroying Greece, instead of restoring it to the Ottoman empire.



## CHAPTER XV.

**ASIA.—Burman Empire—Origin of War with Britain—Shapuree—Doodpatlee—Ramoo—Expedition to Rangoon—Operations there—Martaban taken—Bundoola beaten—State of things in 1825—Donabew, Prome, and Arracan taken—Assau Cochar—Mortality in the English Army—Armistice of Meeaday—Hostilities renewed—Melloon—Pagan—Mew taken—Treaty of Peace—Bhurtpore—Netherlands—India.**

The remoteness of most of the independent nations of Asia, and the half civilized character of their population, render it difficult to obtain recent and authentic accounts of their history, except in their connections with Europeans and Americans. Much of the most interesting portions of that country, is subject to the government of Europeans. Russia, in the north, and England, in the south, cover an immense tract of Asiatic territory. Arabia, is dependant on Egypt. Of Turkey, we gave a history, in association with Greece. There remains little to recount, in the incidents of the last year or two, excepting the progress of the Burmese war; the existing contest between Russia and Persia, having been described in the history of the Russian empire.

The Burman dominions occupy a large extent of territory, on the eastern frontiers of the British pos-

sessions, in India, lying betwixt them and China. Their whole male population, is liable to be called into war. Formerly, the territory of this empire, consisted of several independent states, which were afterwards forcibly united under one head, by conquest. They had, according to the British accounts, much annoyed the inhabitants of the contiguous British frontiers, for several years; and although warned of the consequences, would not desist from acts of aggression.

In order to comprehend the origin of the war, it is necessary to explain the relative situation of the parties.

The eastern frontier of Bengal, is a line of impenetrable forest, and hills, affording but three points of communication with the neighboring nations. Of these, the northernmost, is by the valley of the large river Brahmapootra, known as the country of Assam; the next, by,

the valley of the Soorma, called the Cachar country, lying contiguous to the district of Sylhet ; and the last, next the sea coast, at the southern extremity of the Chittagong, where the British territory is divided from Arracan, by the Naf, which river was, repeatedly, recognized, as the mutual boundary there. Arracan had been conquered, in 1783, by the Burmese, who, ever since the establishment of the reigning dynasty, under Alompra, in the middle of the last century, have been a nation of conquerors.

At the mouth of the Naf, lies an alluvial island, which is nearest to the Bengal side of the river, named Shapuree. A dispute arising, in regard to the property of this insignificant islet, it was claimed, and occupied by the British authorities, for the purpose of maintaining the claim. In consequence thereof, and to assert the right, on their side, the Burmese landed on the island, September 24th, 1823, and expelled the party stationed there, killing some of the soldiers.

This was the immediate commencement of hostilities ; for no answer was vouchsafed by the court of Ava, to the demand of explanation, made by the company before declaring war. Not long afterwards, the Burmese marched a body of troops into Cachar, a petty state protected by the English, and

occupied a post within a few miles of their Sylhet frontier. At the same time, they planned the occupation of Jyntea, another small state, half dependant on the company ; but the advance of a British force prevented its execution.

In the mean time, the troops of Burmah and Assam, to the number of five thousand, fixed their stations at Bickrampore, and erected fortifications of palisades. The British attacked them without delay ; and, at first, were completely successful. But in February, they were repulsed with loss, in an attack upon the Burmese stockade at Doodpatlee.

The governor-general, lord Amherst, now deemed it necessary to make a formal declaration of war against the king of Ava, and to chastise the aggressors by invasions of their own territory. The operations of the war being carried on in several quarters, we shall confine the main narrative to the principal expedition, which was against Rangoon ; shortly premising the incidents which occurred elsewhere.

Immediately on the commencement of the war, a considerable force, under general M'Morine, penetrated to Gowahati, the capital of Western Assam, and completely succeeded in repressing the Burmese in that quarter. The British were less fortunate in the district of Chittagong. Their

forces were concentrated upon Ramoo, which the Burmese attacked in great numbers, and after carrying the intrenchments, dispersed or cut off all the garrison, posted for their defence. This event greatly encouraged the Burmese, although they did not advance any farther in that direction.

In the mean time, a considerable armament was assembled in May, at Port Cornwallis, consisting of naval forces under commodore Grant, and military, commanded by sir Archibald Campbell, destined for Rangoon, the principal sea port of Ava. They reached this place in a few days, and captured it without the loss of a single man. All its numerous inhabitants had fled precipitately to the jungles, at the news of the approach of the British; and not a hundred men were found in the town, when they took possession of it. A large quantity of ordnance, and munitions of war, was captured in Rangoon; and the fall of the place was deemed highly important; but the Burmese continued to hover around the British outposts, and maintained a desultory and harassing contest, without affording opportunity for any decisive action.

Such was the state of things at Rangoon for upwards of a month. Numerous assaults were made by the British upon the Burmese

stockades; and almost invariably successful ones; but no sooner were the Burmese driven from one position, than they fortified another: and thus the time continued to be consumed in a succession of petty engagements, which it would be useless to describe particularly. One of them we narrate, as a little more decisive than the rest.

Towards the end of June, the Burmese chief received orders to make a general attack upon the British line; and his troops were observed to be in movement for two successive days. At length, a body of twelve thousand men attacked the British posts, and succeeded in penetrating between two of the picquets; but were soon repulsed at the point of the bayonet, and driven into the jungle. About the same time, ten stockades were taken from them in a single day. These successes appear to have had the effect, of producing a general pause in the operations of the Burmese.

The remainder of the year was chiefly occupied by expeditions for the destruction of stockades, which led to no important result. Owing to the character of the country, covered with jungle, the setting in of rainy weather, and the difficulty of supplying the troops with sufficient provisions, general Campbell continued his head quarters at Rangoon through the season.

In October, an expedition was despatched against the town of Martaban, and the possessions of the Burmese on the Tenasserim coast. Here the British arms were completely victorious. Martaban, although strongly fortified, was taken by storm, with all its richly stored magazines, and the submission of the whole dependant territory immediately followed ;—so that the provinces of Mergui, Yeh, Tavoy, Martaban, and, indeed, the whole coast, from Rangoon eastward, was now in the possession of the British. The islands of Cheduba, on the Arracan coast, and of Negrais, at the mouth of the river Ivawuddy, had already been captured by other detachments of general Campbell's troops.

During these operations, the Burmese had been assembling the whole force of the empire. A large army, said to consist of 50,000 men, attacked the British position, and entrenched themselves along general Campbell's whole front. They were commanded by Maha Bundoola, who selected his posts, and fortified them, with a judgment, in point of position, which would have done credit to the engineers of the most civilized and warlike nations. But his skill was unavailing, when opposed to the superior discipline and appointments of Europeans. He was assaulted by general

Campbell, early in December, and driven from post to post, with great slaughter, and the loss of two hundred and forty pieces of ordnance and other munitions of war, in proportionate quantities. Bundoola rallied his troops, and erected new entrenchments ; but was again routed, with the loss of his camp, baggage, and much of his ammunition.

Previous to this, general Campbell having understood, that the governor of Syriam was mustering a body of forces, marched upon that place, which the Burmese abandoned on the first assault.

Such were the operations of the main body of the British forces. On the Sylhet frontier, where lieutenant colonel Innes commanded, they were less successful. The Burmese had occupied a fortified position at Tiloayn, from whence the British endeavored, for some time, to dislodge them ; and at last, they, in their turn, attacked the Indian forces of the district, under the rajah Gumbheer Singh ; and the British troops then coming up to assist their allies, were all repulsed, and driven back upon Budderpore.

In recurring to the commencement of the contest, and recounting its earlier incidents, although exceeding our limits, we have thought we should be performing an acceptable service, being thus

enabled to present a collected view of the entire war.

Previous to beginning the campaign, in 1825, general Campbell exerted himself, to inspire the inhabitants of the country with confidence in the British. He issued a proclamation in February, inviting them to return to their homes, and promising them perfect security in person and property, if they remained peaceable, and supplied him with provisions; for which he engaged they should be amply paid. By these means, he induced the inhabitants to return to Rangoon, in considerable numbers.

Great preparations were now made for carrying the war, farther into the interior of the Burmese empire. Lord Amherst began to feel that he was contending with no contemptible foe. Their pertinacious attacks on the British positions, their skill and activity in the science of fortification, the climate, the face of the country,—all contributed to render this a more serious struggle, than the company had been involved in for many years. The operations of the war were necessarily expensive, and, therefore, excited complaint in England, where entire confidence was not generally felt, in the capacity of lord Amherst, for the important duties of governor-general of India. Although the battles with the Burmese were not attended with

great loss, yet the British suffered much from the climate. And early in the war, an unfortunate event occurred at Barrackpore, where a regiment of native troops refused to march on this service, and did not submit, until they were fired upon by other corps,—and upwards of 100 men killed. Disturbances happened, also, in other parts of the company's possessions; the natives appearing to think the English were engaged in a war of ambition and conquest, rather than of justice or necessity. All these considerations rendered the contest one of vital importance to the company; who, had they failed in it, might have suffered severely from the consequences.

Sir Archibald Campbell recommenced offensive operations in February, his ultimate object being the capture of Prome. Having dislodged the Burmese from their posts on the Lyng river, preparatory to marching; general Campbell moved forward to Sorrawah, where he halted. The Carian inhabitants of the country, received him, as he represents, with much satisfaction, rejoicing at the expulsion of the Burmese, and assisting him with supplies of rice and buffaloes, and in road-making. He was not opposed in his progress thus far, although a strong division of his enemies, under Maha Silwah, showed a disposition to sustain an



attack at Mophi, but broke up on his approach, and dispersed into a close jungle in the rear.

General Campbell halted at Sorawah, to await the issue of an expedition of the river-column against Donabew, under command of general Cotton. Bundoola had assembled there a force of 30,000 Burmese, defended by strong fortifications, where he determined to make a desperate stand. General Cotton attacked their first position at a pagoda, and after an obstinate struggle, carried it; but the Burmese made a successful resistance at their second position, and repulsed the British with great loss. General Cotton finding that his force was insufficient to carry the main defences of the Burmese, even should he take their second position, drew off his forces, and dropped down below Donabew, to wait for reinforcements.

On learning the state of things at Donabew, general Campbell retraced his steps for that place, and opened his batteries the 1st day of April. The next day, the Burmese retreated to the jungle, disheartened by the death of Maha Bundoola, who was killed by a rocket; or, as some accounts say, by the explosion of a shell. During the siege, the Burmese made several bold and desperate sorties, but were uniformly driven back. Much of this good fortune on the

part of the British, was owing to the use of shells and rockets, with which they did great execution.

It would be tedious, to narrate all the minor operations of the different forces, in their progress up the river. Suffice it to say, that general Campbell reached Prome towards the end of April, which he took possession of without firing a shot, the Burmese fearing to stand his approach. The fortifications of the place were very complete; and the Burmese had skilfully availed themselves of the great natural strength of the place, to construct stockades; which surpassed, both in materials and workmanship, any thing which the British had hitherto encountered in the country. The town was burning when they entered it, having been set on fire by the Burmese before they abandoned it.

Here the British remained during the rainy season. The mortality among their troops was considerable; the inundation of the country, in consequence of the rains, producing a destructive epidemic. General Campbell found it necessary to obtain his provisions from Rangoon, the Burmese having wasted the country along the route of the British troops, for the purpose of distressing them; in which they were successful. Nor did they leave the British camp at Prome any repose; incessantly approaching under cover of the

jungles, and annoying the British with daily attacks, which diminished the force of the latter, but gave them no opportunity of striking a decisive blow. It was understood that prince Sarrawuddy, with the remains of his people, was retiring upon the capital of the empire; destroying the villages, grain, and boats, which lay in the line of his retreat.

Meantime, the southeastern division of the army, under general Morrison, undertook the conquest of Arracan; which, after several obstinate engagements, was abandoned to them by the Burmese. The loss of this large city, was a heavy blow to the latter: beside which, a numerous army appointed for its defence, headed by the chief Atown Munjja, was completely dispersed. They secreted or carried away with them however all their valuables; and succeeded in destroying by fire more than half the city, two days after it came into the hands of the British. Here the quarters of the invading troops were fixed, during the continuance of the rainy season.

In Assam, colonel Richards obtained possession of Rungpoore by capitulation; and the Burmese were thus entirely expelled from the province; and farther operations were suspended in that direction.

Nothing, of moment was effected

in Cachar. The object there was to penetrate to Munnipore, its capital, which was extremely desirable to Gumbheer Singh, the rajah of Cachar. But the nature of the country was such, that it required long and persevering attempts to overcome the disadvantages of the weather, climate, face of the country, and scarcity of provisions.

Such were the acquisitions and proceedings of this campaign, which, important as they were, still left the war undetermined. The Burmans had thus far contended against their antagonists, with courage worthy of better fortune. Their feelings may be estimated by means of an anecdote related of Maha Bundoola. When summoned by general Cotton to surrender Donabew, he sent a civil but manly reply. "We are each fighting," said he, "for his country. You will find me as steady in defending the liberties of mine, as you in asserting yours. If you wish to see Donabew, come as friends, and I will show it to you. If you come as enemies, land; you will find us ready, and we will see which are the better men!" His death was deeply felt by his countrymen, over whom, his talents and services deservedly gave him great ascendancy.

However barbarous the Burmese may have been, it is impossible to deny that the proceedings of the

British, wear much the aspect of ambition to conquer another Indian empire. The immediate cause of the war, even as explained by them, was rather slight; and to this it should be added, that nearly all our knowledge of its origin or progress is derived from the British alone. Certain it is, that, even in the early parts of the contest, the company was continually calculating the benefit derivable from possessing the important sea ports and provinces, which they had conquered, or hoped to conquer, from the Burmans.

We have already alluded to the mortality, which prevailed at Prome, during the rainy season. It was likewise, very great at Arracan. Almost the whole army experienced its effects. A mortality also raged among the horses, and bullocks, attached to the army. But towards the month of August, the health of the troops, and cattle, began to improve, and all were anticipating the events of the approaching campaign; when, suddenly, the negociation of, an armistice, opened a prospect of peace.

The armistice was concluded at Meeaday, in September, and was to last for a month. A line of demarkation, across the Irrawuddy, was agreed upon, and each party stipulated, not to cross it; and also, to suspend hostilities, upon the frontiers, until the termination of

the armistice. An exchange of prisoners, was one of the conditions of the agreement.

Commissioners, on the part of the British, and Burmese, met, October 2d, to discuss the preliminaries of the peace. As the British demanded a large cession of territory, and indemnification, for the expenses of the war, the Burmese requested the prolongation of the armistice, until November, to give them opportunity of consulting their court. Arrangements, were accordingly made, for transferring the negotiations to Ummerapoor, in the confidence of effecting a peace.

This expectation was destined to be disappointed. Just after the expiration of the period appointed, for the first armistice, bands of Burmese passed the line of demarkation, and plundered the villages within the British limits. Remonstrances being made to the Burmese chiefs, they retorted, in complaints of the insincerity of the British; and did not deny, that a large force was advancing upon Prome, to intercept the progress of sir Archibald Campbell. Their aim appeared to be, to cut off the communication between Prome, and Rangoon, from whence all supplies were obtained; and at the same time, to make a desperate attempt to take the British army, by surprise.

General Campbell foresaw their object, and prepared to defeat it. He began, by sending detachments, to dislodge some Burmese troops, posted so as to be troublesome to the British camp. Most of these were successful; but one, commanded by colonel M'Dowall, was repulsed, and sustained a heavy loss.

Soon afterwards, the main army of the Burmese, divided into three corps, consisting of 50,000 men, took post in the vicinity of Prome, extended in a line across the Irrawaddy, and fortified by strong entrenchments along the hills. General Campbell attacked one of these corps, December 1st, with nearly all his forces, drove them from their stockades, with the loss of their commander, Maha Memiow, and all their guns and stores. The next day, he attacked the second corps, and pushed the Burmese troops on, from hill to hill, at the point of the bayonet, till the whole of the position was in his possession. On the fourth day, general Cotton assaulted, and carried the remaining position; and the Burmese were now completely routed and dispersed.

General Campbell immediately advanced to Meeaday, which he found evacuated by the Burmese, whose dead and dying, were scattered along the whole line of his march. He reached the place,

on the 17th, and after a short stay, marched on to Melloon, which was occupied by the enemy; their army being assembled, within the defences, and the river being covered with war boats. Here, overtures of peace were again made, and hostilities immediately ceased.

These overtures ended in a treaty, signed by British and Burmese commissioners, January 3d, 1826, to be ratified by the king of Ava, within fifteen days. Sir A. Campbell was now perfectly satisfied of the sincerity of the Burmese; but at the expiration of the time agreed on, the Burmese asked for an extension; and suspicions again arose, that they were only seeking to entrap the British. General Campbell instantly demanded the evacuation of Melloon, as a preliminary condition of the extension.

On the refusal of the Burmese, he made immediate preparations for assaulting the place. The Burmese, on their side, had not been idle; but, in the mean time, constructed extensive works, in addition to the former entrenchments. Nevertheless, the British carried Melloon by assault, inflicting upon the Burmese, a severe loss in men, and capturing a large quantity of stores, ordnance, munitions, and specie.

After a short delay, sir Archibald

continued his advance, meeting with no opposition from the Burmese, who concentrated their forces in a strong post at Pagam-mew, about one hundred and fifty miles from the capital. Here he arrived February 8th, and the next day had a general engagement with the Burmese, which ended in their total defeat; their works being taken by storm; and their troops driven from the town at the point of the bayonet. The victory was complete. On this occasion, the Burmese executed some bold manœuvres, planned with great judgment; and their signal discomfiture finished the war.

Continuing his march, general Campbell arrived at Yandaboo, about forty-five miles distant from the capital, where he was met by the Burmese ministers, fully empowered to conclude a treaty, according to the proposed conditions. The king of Ava renounced all claims upon Assam, Cachar, and Jyntea; and engaged to recognize Gumbheer Singh as rajah of Munipore. He ceded to the British government the whole of Arracan, including Ramree, Cheduba, and Sandowey; and, also, the provinces of Yeh, Tavoy, Mergui, and Tenasserim, with all their dependencies. Finally, he stipulated to pay a crore of rupees, (about a million sterling,) as an indemnity for the expenses of the company,

and paid down twenty-five lacs, the first instalment under the treaty.

Upon the conclusion of this arrangement, the British troops immediately retrograded to Rangoon from whence, that wreck of a once fine army, which sickness and war had spared, was subsequently re-embarked for Calcutta and Madras.

Thus terminated the Burmese war, as every previous war in the East Indies had ended, in a large accession of valuable territory to the British empire. It may be, and it probable is, true, that the king of Ava conducted with unbecoming insolence, in his deportment towards the British. Certain it is, also, that difficulties in that quarter, had long been apprehended by the servants of the company. Still, nothing but the necessity of protecting their frontier, could justify them in a sudden declaration of war, for so slight a cause as the occupation of Shapuree by the Burmese, the title to which was fairly disputable. Indeed, some of the British journals are willing to admit, that this was little better than a pretext to repress the insolence of the Burmans, and acquire a new barrier on the eastward of Bengal.

It is now generally agreed, that lord Amherst did not fairly appreciate the resources of the Bur-

mese, or the hazards of war with them. Had he done so, he certainly would have tried the effect of negotiation, before he hastily invaded the heart of a country, so insalubrious, and so easily defended by its warlike inhabitants. The war entailed a vast train of suffering upon the misguided Burmans; but was most destructive to the British themselves, shut up for two seasons in the midst of devouring pestilence, and incessantly harassed by a persevering enemy.

Next to the Burmese war, no incident in the recent history of the East Indies, is more important than the disturbances in upper India, followed by the reduction of the strong fortress of Bhurtpore.

This place had been thoroughly fortified by a former rajah; and being deemed impregnable by the natives in that quarter of India, was a sort of rallying point for the disaffected. In 1803, the rajah Runjeet Singh, acted in concert with Holkar, and openly defied the British. Lord Lake endeavored to reduce the city at that time; but was obliged to retreat, with some loss of reputation. Of course, it had ever since been regarded with an evil eye by the company's servants. An opportunity was offered them to redeem their credit, on the following occasion.

It seems that the rajah Bulder Singh, who died in October, 1825,

left an heir, only seven years of age. Taking advantage of the young rajah's minority, his cousin forcibly usurped possession of the regency. He did this in open defiance of the British authority, and his followers committed many disorders in the neighborhood, which rendered the interposition of the company requisite. The usurper, Doorjun Sal, rejected all proposals of accommodation, and filled the neighboring chiefs with a spirit of turbulence and disorder. These events formed sufficient cause to call the British arms into action.

Accordingly, in December, 1825, the commander-in-chief, lord Cambermere, marched against Bhurtpore with a large force, and after some skirmishes before the city, commenced the siege of it in form. This celebrated fortress, the ne plus ultra of lord Lake's progress many years before, was esteemed stronger than any yet attacked in India. Although well garrisoned and defended, it was taken by storm, January 18th, 1826, after a brave resistance. Doorjun Sal, his family and army, were made prisoners; and an immense booty fell into the hands of the captors, who effectually, and speedily restored peace in that quarter, formally establishing the young rajah.

Of various disturbances among the barbarous chiefs of northern India, as well as in the British In-

dia, we deem it unnecessary to relate the history. Wherever the British extended their influence, their superiority over the native inhabitants of the soil was generally apparent, and enabled them, of course, to increase their ascendancy, and the limits of their empire.

It was far otherwise with the king of the Netherlands' possessions in the Indian Archipelago. Their finances are represented as being much embarrassed; and rebellions were continually breaking out among the natives, which fully employed the military force of the Europeans. These disturbances were the most serious in the island of Java. Such was the nature of the country, that, although continually victorious in almost every engagement, the Dutch could not wholly subdue the insurgents, who,

when beaten, dispersed into their fastnesses, which were impregnable to regular troops. Of course, the war made slow progress; the natives never failing to harass the Dutch, whenever a favorable occasion occurred. At the very latest accounts from Java, the affairs of the colony were in a most deplorable state; the Dutch being almost overmastered by the insurgents, who every day gathered greater boldness and strength from their own success, and the declining authority of the Europeans.

To give a digested narrative of these incidents, or of the wars and political commotions among the inhabitants of other parts of Asia, would be impossible; and, if practicable, incapable of affording any valuable information.



## CHAPTER XVI.

**AFRICA.—Arabs in Africa—Slave Trade—Ashantee Wars—Morocco—Barbary Powers—Egypt—Rise of Mohammed Ali—Conquers Arabia—Sennaar, &c.—Policy and Government of Mohammed Ali.**

In the recent history of Africa, there are several things, which occupy so prominent a place in our consideration, that we shall devote a chapter to them, although not all of purely a narrative character. Passing over the petty oppressions of lord Charles Somerset, the governor of the English colony, at the cape of Good Hope, which have excited much feeling in England, but are of no moment to Americans; we shall fix our attention upon the present state of the slave trade, and in connection with it, the wars of the Ashantees; and after briefly touching upon the history of the Moorish and Barbary states in Africa, conclude with an account of the new empire of Egypt, and its singular ruler.

Next to the fertile, but now wasted regions of Greece, and the lesser Asia, no part of the world suffers more deplorably under the calamities of bad government, and vicious political institutions, than Africa. The religion of Mahomet seems, at least, in modern times,

to wither the freshness, and destroy the prosperity of every land which it touches. Destructive as were the ravages of the northern barbarians, who subdued and dismembered the Roman empire; still the Gothic and Germanic nations appear to have possessed the seeds of civilization, which, in the happy climes of the south, gradually, produced the noble fruits of refinement, learning, humanity, and freedom. But the Saracens swept over the regions they conquered, like a blast from the desert. Save the short lived splendor of some of the eastern and western caliphs, the history of the Turkish and Arab governments, is the history of obstinate bigotry, of incurable barbarism, of uncalculating tyranny, which destroys the subject on which it exercises authority.

In Africa, countries, which once boasted all the riches of cultured life,—whose fertility made them the granary of Europe,—now scarcely afford scanty subsistence to a few wandering tribes. Cy-

rene is no more, and the maritime glory of Carthage has yielded place to here and there an aggregation of pirates, who live by licentious plunders of the Christians navigating the Mediterranean, or dwelling on its shores. From Egypt on the east, and Barbary on the north, the Arabs have penetrated into the interior of the vast continent, the great store-house of the negro slaves,—*officina gentium*,—who cultivate the soil of tropical America. To the Arabs, in the first instance, it is probable, the introduction of the pernicious traffic in black slaves, is to be ascribed. The indefatigable exertions of English travellers is beginning to lift the veil from extensive regions, which, at some future day, may be raised to a participation in the blessings of civilized existence, and of christianity.

Europeans have now acquired a permanent footing at the cape, and on the western coast of Africa. By means of their colonies, the English can act upon the interior to advantage. And that point, it is beginning to be understood, is the true one to be aimed at, in order to accomplish their designs, which, if not disinterested, are certainly beneficial. They must subvert the power of the Mahometans, and introduce a better influence over the blacks, than that of the barbarous

Arabs, in order to strike at the root of the slave trade.

The United States and England have sincerely persevered in their exertions, to abolish this inhuman traffic. Our own law is severe against the slave trader; and our cruisers on the coast of Africa have been actively employed in honest exertions to arrest offenders. The efforts of England, also, have been remarkably exemplary, and mainly effected the many treaty stipulations, which denounce the traffic.

The Spanish American states have, in this respect, been true to the principles of liberty which they profess:—having prohibited the slave trade, and readily entered into engagements for its suppression. But Brazil,—that government which stands alone in America, an hereditary monarchy in the midst of free states,—Brazil, which is now engaged in a war of invasion against Buenos Ayres, and violates so many principles of international law, in the mode of prosecuting it,—Brazil sanctions and protects the slave trade. The Portuguese are the only people, of all civilized nations, “who class the purchase of our fellow creatures among the ordinary modes of lawful commerce.”

As to Portugal herself, the parent country, now that Brazil is independent of her, she has no inte-

rest in the continuance of the slave trade. Her ministry have expressed a readiness to aid in its total abolition; and the constitutional government being entirely dependant, for its very being, on England, there is no doubt she will make this sacrifice to humanity.

The Portuguese have consented to relinquish the slave trade north of the line; but the Brazillians are in the habit of constantly evading the treaty, and this with the connivance of Don Pedro's government. They fictitiously give to places north of the line, names of places to the south; and thus, under cover of false papers and fabricated log-books, they securely pursue the trade wherever they please.

Early in the year 1826, the king of Spain, influenced by the duke del Infantado, consented to the articles of the treaty of 1807, for preventing the prosecution of the traffic. Much confidence is reposed in the assurances of the duke, that the treaty shall be faithfully observed, in consequence of his character for integrity and honesty. It has been communicated to the captain general of Cuba, and it is to be hoped it will prove effectual. But the Spanish authority hangs loosely upon the local officers at Cuba. Whether they will be disposed to comply with orders, which conflict with their interest, is somewhat problematical. Hitherto, the

slave trade has been carried on there to a shameful extent; the members of the local government having been, as Mr. Canning affirms, largely concerned in it themselves.

The French, however, are the great slave carriers of the Antilles. After all the engagements solemnly made, and often repeated by the French government, still the inadequacy of their law, leaves room for constant violations of it with impunity. Their naval officers are not, in general, disposed to do their duty. The French laws punish the offence only with confiscation of the vessel; without causing any ignominy or personal punishment, to attach to the individual engaged in the trade. And as the profits of a successful voyage are sufficient to insure against the risk of capture, of course, men and capital enough are found ready to embark in it. Nantz is the emporium of the trade. Within the last year, however, public opinion began to act upon this subject. The merchants and bankers of Paris, have called the attention of their legislature to it by petitions; in which they speak freely and boldly of the barefaced proceedings of the Nantz dealers. Abolition societies, likewise, are getting into operation; which will exercise a salutary influence on the public mind. And some check was put upon the business, by the seizure and confisca-

tion of a slave vessel called the *Deux Nantais*; which necessarily attracted attention, and made the circumstances more notorious.

Such persevering exertions as those of England, to abolish the slave trade, backed by her maritime power, and her weight in the great family of nations, cannot fail to be eventually crowned with success. Much as her negotiations with European, and American powers, have accomplished, we anticipate still happier results, from what she may do, in the interior of Africa itself. Elsewhere, and in other continents, it has been observed, that, owing to the benign influences of commerce, civilization produces the most striking effects, near the sea coast, and gradually spreads to the interior. In Africa, it is otherwise; but when a stop is put to the slave trade, and its baneful consequences, degraded Africa will no longer have cause to dread, and deplore, the spirit of commerce.

Circumstances of very recent occurrence, promise to facilitate the attempts of the English, to push their influence into the interior. These, we now proceed to relate; observing, however, as we pass, that, in Africa, as everywhere else, the commercial enterprises of the English are continually made the pretext for wars, beginning, often, in slight causes, but

always ending in territorial aggrandizement.

Our own times have witnessed the rise of a new power, on the western shores of Africa, the extensive kingdom of Ashantee. Being decidedly superior to the surrounding savages, in bravery, and policy, they conquered, successively, the intervening tribes, between them and the maritime districts, and then threatened to become formidable to the English factories on the Gold Coast. The Ashantees, came directly in contact with the latter, early in this century, by their invasion and conquest, of the Fantee territory, in which the factories were established.

Since that time, the various tribes on the coast have been divided between two interests, that of the conquering Ashantees, in the interior, and of the Fantees, next the coast, whose standard is the rallying point, of all, who seek to shake off the Ashantee yoke. Unfortunately, the English suffered themselves to get entangled in the disputes between the nations around them; and still more unfortunately, sided with the Fantees, and their confederates, revolted subjects of Ashantee. After some indecisive skirmishes, the whole force of Ashantee, in 1824, moved down upon Cape Coast, where sir Charles M'Carthy, com-

manded, and totally defeated, and destroyed the English troops.

We pass over intervening incidents, to come to their late signal discomfiture. The warlike Ashantees, who had thus successfully contended with the English, were, it may, therefore, be readily conceived, vastly too powerful, now, for the neighboring tribes of natives to withstand, unaided. Not content with their past successes, they engaged in new expeditions.

But the progress of these barbarians, was happily arrested, by a decisive battle, fought in August last, in which the British, and their allies, came off completely victorious. The force of the Ashantees, consisted of 20,000 men, who contended with the greatest bravery, but were at length beaten, after an obstinate struggle, in which, one third of their number perished. Their discomfiture was, in a considerable degree, attributable to the execution done among them by rockets, whose novelty, hissing noise, and fatal effects, astonished and confused them. Many of their principal men perished; and their king was severely wounded. His equipage, camp, and several of his wives, with a rich booty, fell into the hands of the British. In the camp, was found the head of sir Charles M'Carthy, carefully preserved, and wrapped up as a charm. It is presumed, that this

total defeat has so effectually broke the power of the Ashantees, as to leave the British and their allies on the Gold Coast, no farther cause of apprehension at present.

In Morocco, the most remarkable event has been the prevalence of a species of epidemic, whose ravages have been extremely fatal. It is said, that 200,000 persons perished, in the course of five months, ending May, 1826. There were 38,000 deaths in Fez alone. The mortality was ascribed to a failure of crops; in consequence of a drought of three years' duration, which dried up the rivers and springs. Their cattle dying from want of herbage, the wretched Arabs flocked down from the interior, to the sea ports on the Barbary coast, bringing along with them disease and famine.

Nothing in the history of the other Arab powers in Africa, deserves to be mentioned, unless it be the piracies of Algiers. A war broke out in 1826, between Algiers and Spain, in consequence of the neglect of Spain to pay its subsidy. The Algerine cruisers, not content with capturing such Spanish merchantmen as they met, descended upon the coast, and made captives of a considerable number of inhabitants. Spain is one of the few remaining nations who yet continue tributary to the Barbary powers. The United States

set the example of chastising, instead of subsidizing, them ; and England, the Netherlands, Naples, and France, have followed this example, and obtained security by treaty. Russia, Austria, Tuscany, and Prussia have letters of protection from the Porte. Other states, among whom is Rome, are in the practice of making presents, in place of a regular tribute ; and the Algerines have recently captured some Roman vessels, probably owing to an omission of the usual presents. Differences arising from causes of this kind, have, also, occurred between other Barbary states, and some of their tributaries.

Egypt is a department of the Turkish empire ; but its obedience to the Porte, is little else than a nominal recognition of sovereignty. The talents and fortune of a single individual, have enabled him not only to obtain the absolute government of Egypt, but to subject Arabia and Candia to his authority. And should he succeed in conquering the Greeks, he may become a dangerous rival, rather than the useful subject, of the sultan.

Mohammed Ali, the pacha of Egypt, is an obscure soldier of fortune ; whose original elevation was owing to his adroitness in taking advantage of the chances of war, to promote his own aggrandizement. He was born at Cavale, in Romelia, in the year 1769 ; and

previous to the commencement of his military career, was engaged in the tobacco trade ; which circumstance probably produced the tendency to commercial speculation, by which he has been subsequently distinguished. When the Porte made war on the French in Egypt, Mohammed Ali accompanied the expedition, and attained the rank of bin-baschi, or colonel, during the operations before Aboukir. In the rapid succession of battles, skirmishes, intrigues, and civil commotions, which ensued, he managed to gain an ascendancy over the various parties, which agitated the country ; and, at length, was deemed deserving the title of pacha. Not satisfied with this, he incited the soldiery to revolt from the Turkish governor of Egypt, Thouschid-Pacha, and to demand the government for himself, as the only person capable of restoring and maintaining order. Accordingly, in 1805, he was invested with the government of Egypt, by an order from the Porte.

During the subsequent years, Mohammed Ali was engaged in a conflict with the mamelukes, who, on the expulsion of the French, endeavored to regain their ancient power. In 1807, the English, being at war with Turkey, sent a body of troops to assist the mamelukes ; but Mohammed Ali was fortunate enough to separate the

latter from their allies, and thus to vanquish both. In the mean time, he received orders from the Porte to march against the Wahabees; who were fast extending their conquests all over Arabia, and had completely overthrown the Turkish authority in that country. But apprehensive that the beys might rise during his absence, he determined to free himself from all apprehension on that score, by the extermination of the whole body of the mamelukes and their adherents. Having artfully decoyed the chief part of them into his power, on a solemn assurance of safety and peace, he caused them all to be destroyed by a general and simultaneous massacre. After this ferocious and infamous act, which was perpetrated in 1811, he organized a strong expedition against the Wahabees, under the command of his sons; totally subverted their power; and made himself undisputed master of Arabia.

Pursuing his successes, in 1820 Mohammed Ali attacked and conquered Nubia, Sennaar, and Kerdosan, though not without the loss of his son Ishmael, the commander of the expedition. These provinces are now half depopulated, by the great number of inhabitants, whom Mohammed Ali has enslaved, and transported to Egypt, to supply his armies. With these unhappy people, he commenced

the organization of infantry, disciplined, in all respects, according to European principles; and has continued to reinforce it, either by levies there, or by conscription of the felhas on the banks of the Nile. He selected his officers from among the Turks, or the Georgian slaves introduced by the mamelukes, who were drilled by colonel Sève, a renegado, and formerly one of Bonaparte's officers, now called Soliman hey. Sève was assisted by a number of other officers of the French army, enlisted in this service, through the agency of Drovette, the French consul in Egypt, —but employed solely as instructors.

Such are the forces, which make Mohammed Ali so formidable to his neighbors, and so powerful a coadjutor of the sultan, in his exertions to reduce the Greeks. For an account of his operations in Greece, we refer to the chapter appropriated to their history. Mohammed Ali has probably found the task of conquering the Morea more arduous than he anticipated; for he is under the necessity of straining his resources to the utmost; and has lost vast numbers of his troops in Greece, by the small pox, and by diseases arising from change of climate and diet, which have proved peculiarly fatal to the Nubians. His disciplined infantry is, therefore, composed chiefly of Egyptian fel-



has at present ; his cavalry and artillery having always been Turks, and organized after the Turkish fashion.

Remarkable as the condition of Mohammed Ali's army is, when compared with all other troops in Turkey, it is far less astonishing than other improvements which he has introduced in Egypt. This extraordinary man has appropriated to himself, as his own property, most of the soil of the country. Moreover, he assumes an absolute monopoly of all the productions of Egypt, which are exported and sold in his name. Not only is he pacha of Egypt, but he is the greatest and only landlord, merchant, and manufacturer. Previous to his obtaining the government, there was not a manufactory, nor even any of the commonest European machinery, in Egypt. Mohammed Ali has erected a large number of cotton manufactories, besides having all the ordinary implements and machinery, which are found in Europe. Add to these facts, that he has constructed many public works of magnitude, among which is a canal from the Nile to Alexandria, and we shall have some idea of the plans and proceedings of Mohammed Ali for the improvement of Egypt.

But all things have been accomplished, with such total disregard of the welfare of his people in the

conception, and such atrocious tyranny in the execution, that it is impossible either to esteem Mohammed Ali, or to expect that his arrangements will outlast his life. The Egyptians are depressed to the lowest degree of wretchedness, by the weight of taxes and conscription ; and their condition cannot be materially raised, so long as the pacha's monopoly of the commerce and manufactures, and his ambition of foreign conquest, keep the people in absolute and hopeless indigence. In all his designs, their lives and well being are accounted as nothing. Thus he employed 313,000 men in constructing the canal of Alexandria, immense numbers of whom perished from ill treatment, want of provisions, and excessive fatigue. They were set to work without suitable implements for excavating the earth, which they were obliged to dig incessantly, and with their hands, by the merciless soldiers employed as guards. No magazines of provisions had been formed for their subsistence. So fatal were these hardships, that, for the space of two months, two hundred of these wretched men perished daily.

Nothing, it is manifest, but the talents, energy, and personal influence of Mohammed Ali himself, can reconcile the improvements of refined life with such cruel op-

pressions. Nor is the duration of his power much to be desired. Miserable and distracted as Egypt was under the mamelukes, we believe that the semi-civilized despotism of Mohammed Ali is a greater curse to the country. And who, that contemplates the ferocious tyranny of his government, can fail to deprecate the extension of it

over the classic lands of Greece? Most fervently do we pray that, instead of such a consummation, the fertile regions which now groan under the Turkish yoke, if they cannot become independent, may pass under the dominion of some Christian power, capable of redeeming them from desolation.



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**LOCAL HISTORY,**

**AND**

**DOMESTIC OCCURRENCES.**

**FOR THE YEARS 1825—6.**

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# DOMESTIC OCCURRENCES.

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## THE NEW ENGLAND STATES.

In the New England states, the great subject of public interest, has been the promotion of internal improvement, by facilitating the means of intercommunication. Already, no part of America, perhaps, for the same extent, possesses roads of so much excellence, and so numerous as these states. But their enterprising and industrious population, devoted to agriculture, commerce, and latterly, manufactures; holding a large disposable capital; and stimulated by the animating example of the neighboring state of New York, have been anxiously engaged in projecting canals and rail roads, to unite the principal seaports and wealthy capitals with the interior of the country. Some of these projects had for their object, to avoid the obstructions occasioned by falls or rapids in the large navigable rivers; others, to create a water communication,

where previously none existed. Numerous surveys, undertaken either by state authority, or by associations of private individuals, while they have established the fact that many, very many improvements of this kind may be effected, of more or less public utility, yet serve also to produce a conviction, that New England contains no region which, being of equal extent with the interior of New York,—is equally well fitted for the construction of a line of canals. Most of the designs are still unaccomplished. Indeed, the multitude of undertakings has contributed to prevent their execution, as they have divided and distracted the resources and interest of the several states.

Among them, are plans for improving the navigation of the Connecticut river, requiring the co-operation of Vermont, New Hampshire, Massachusetts, and Connec-

ticut; others, for uniting the waters of the Connecticut and Merrimac, or opening a market for the interior of Vermont and New Hampshire, by means of lake Memphremagog; another, for conducting the trade from the heart of Massachusetts into Rhode Island; others again, confined rather more to individual states, such as Otter creek canal in Vermont; Winne-  
piseogee canal in New Hampshire; Kennebec and Androscoggin canal, and Oxford and Cumberland canal in Maine; Hampshire and Hampden canal, and Merrimac canal in Massachusetts; and Farmington canal in Connecticut. In short, on every considerable river or other body of water in New England, public attention is fixed, to devise the most practicable means of promoting internal communication.

By reason of their extreme eagerness for turning their respective local advantages to the best account, these states neglected to begin by arranging a systematic course of operations, which, concentrating their resources upon a single point, would have better ensured success. Latterly, some of them, as Vermont and Massachusetts, have created a board for internal improvements, and therefore, we may now reasonably anticipate a more judicious direction of their efforts.

1825.] MAINE.

An extensive tract of land, in the neighborhood of the St. John's and Madawaska rivers, has been claimed by the British government of New Brunswick, which authorised depredations to be committed upon it, as an assertion of jurisdiction. The question arises from an ambiguity of language in the treaty of limits, in describing the highlands, through which the boundary line of the United States, and the British Provinces should run. A claim at this late day, so unjust and unwarrantable, to a tract of land, which, ever since the treaty of 1783, has been treated by the states of Massachusetts and Maine, as within the territory of the latter, and has been in the course of settlement under their authority, naturally excited much indignation.

Extensive conflagrations occurred in the forests of Maine, in August and September, 1825; which not only destroyed great quantities of timber, but even reached many of the settlements, and thus occasioned much immediate distress to individuals. The smoke, from these vast fires, spread far out to sea, in a dense cloud, which, by obscuring the atmosphere, rendered the navigation of vessels, near the coast, inconvenient. The amount of damage sustained, in



consequence of the conflagration, was immense and unprecedented. It raged still more violently in the British Provinces, where many lives were lost, and whole towns reduced to a total waste. The destruction of property and of life, called loudly for the charity of the wealthy to be extended to the survivors; and the numerous sufferers by the fire obtained liberal assistance, from contributions of money, clothes and provisions, in the New England states. Its ravages extended over more than 2,000 square miles of country, destroying, in its progress, many towns and villages. Several thousands of persons were supposed to have perished in the flames; in the vicinity of Miramichi alone, near two hundred fell victims to the destroying element.

In the month of December, a fire, worthy of notice from the amount of property destroyed,

took place at Brunswick, in this state. Two cotton factories, a clothier's factory, a fulling-mill, a saw-mill, a lath and clap-board factory, a bucket manufactory, a grist-mill and a carding and machine shop, with a number of other buildings, were destroyed by fire, on the 17th; loss estimated at between two and three hundred thousand dollars.

**Riot.**—A riot took place at Portland, in the month of December. Many houses occupied by persons of ill fame, were torn down, and one was set on fire. In the affair, there was a regular battle with fire arms, the possessor of a house and some of the mob being armed. An Englishman in the streets was killed, and six or eight other persons wounded; and the house exhibited evidence, that several muskets had been discharged against its tenants.

#### MAINE BANKS.

1824. Jan. 1825. June, 1825.

Amount of capital stock, actually paid in by sixteen banks,	1,600,000	1,703,000	1,801,940
Bills in circulation,	1,050,608	1,172,497	1,204,113
Amount of all other debts due from the banks,	15,459	3,873	2,004
Total amount of debts due to the banks exclusive of deposits in other banks,	2,372,684	2,575,576	2,663,882
Specie on hand,	214,344	304,560	247,783
Deposites in other banks,	282,560	351,226	
Amount of debts due to the banks secured by a pledge of stock therein.	634,926	611,945	500,759

1824. Jan. 1825. June, 1825.

The banks in Maine had deposited  
in the Boston banks,

268,570	333,564	377,839
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There are 14 banks—no one of which made a dividend of less than 3 per cent. for the last six months—several  $3\frac{1}{2}$ , one 4, one  $4\frac{1}{2}$ , and one 5.\*

The amount of bills in circulation; returned by all the banks in Maine, was in June, 1825, \$1,029,272; in January, 1826, \$657,581; and, omitting those of the Kennebec bank, in June, 1826, \$552,252.

From a report made in the month of March, 1826, it would appear, that there are in this state, 2,449 school districts, 97,237 attending scholars, and 135,344 persons between 4 and 21 years old. The amount raised and expended for schools, in the year 1825, is \$136,100. Averaging the amount paid, with those who attend the schools, the cost of each scholar is less than *one dollar and ten cents* a year! There are twenty incorporated academies for males, and six for females, in this state, some of which are well endowed.

In April, 1826, the Passamaquoddy bank at Eastport, and soon afterwards the Kennebec bank at Hallowell, stopped payment; which incidents deranged, for a short time, the circulation in the vicinity of each place.

A great fire took place at Port-

land, on the 11th of July, 1826; thought to be the most destructive, that had happened in that place, since 1775, when it was burned by Mowatt. From twenty to thirty buildings were destroyed, besides other property.

1825.] VERMONT.

Much attention has been paid in this state, to the raising of sheep, since the duty levied on foreign wool, has assured the farmers, of stability in the home market; and the quality, as well as quantity of the article, is rapidly advancing.

Indeed, this mountain-state, though its area is not large, or its soil or climate kind, is about to assume an advanced rank in the union. The canal, which unites lake Champlain to the Hudson, is completed, and has increased the business of that part of the state, which lies west of the Green mountains, many fold already; and the contemplated improvement, in the navigation of the Connecticut river, which washes the whole of the eastern border, will, when accomplished, give to the people of that division of the state, almost equal facilities for access to the ports of the seaboard. The thousand streams of water, running in every direction, are applied to the great business

of manufacturing iron, wool, &c. ; and the invaluable mines, with which the state abounds, are no longer to be useless, because their products cannot be transported to market. The Vermont iron, on account of its peculiar qualities, is of real national importance, and the quantity is inexhaustible. The manufacture has not hitherto been large, but it is about to become a great business. There is, also, a *copperas* factory in the state, at which *three hundred tons* were made in the present year—and the mineral supply is such that any amount to be required can be made.

To show to what an extent the raising of wool has been carried, it is estimated, that during the year 1825, in the village of Middlebury alone, *seventy tons of wool*, were purchased by the merchants, and sent to New York, Boston, &c. Otter creek flows through the town, and the following works are already in operation—three flour mills, three saw mills, one furnace, one marble sawing mill, one paper mill, one oil mill, two cotton factories, and a third building—one of them is capable of holding 10,500 spindles!—4,800 spindles with 68 power looms.

At the commencement of this year, there were but four banks, in this state ; possessing in all, a ca-

pital of \$450,000. Burlington bank, at Burlington, which was incorporated in October, 1818, with a capital of \$150,000 ; Windsor bank, at Windsor, was chartered at the same time, with a capital of \$100,000 ; Brattleborough bank, at Brattleborough, possessing a capital of \$100,000, was granted in 1824 ; and Rutland bank, at Rutland, possessing a capital of \$100,000, was granted in 1825. During the session of the legislature, three new banks were added to this list ; one at Montpelier, one at Danville, and one at St. Albans, with capitals of \$100,000 each.

The population of this state, in December, 1825, was 260,000 ; in 1800, 154,000. There are in the state, one hundred different manufacturing companies, fifty turnpike companies, two colleges with three hundred and fifty students, and common schools in abundance. A canal was contemplated to unite the waters of lake Champlain and Connecticut river, by the valley of Onion river ; and public notice of an intended application to the legislature, for a charter for that purpose, was published, but nothing farther was done with regard to that subject, during the year.

A very valuable iron mine was opened during this year, about ten miles from Vergennes. It is found

about seventy feet below the surface of the earth. The iron made out of it is uncommonly soft.

A piece of native gold, weighing nearly ten ounces, was found some time in July, 1826, in the town of Newfane. It was picked up by a boy, near a small brook, and was studded with crystals of quartz. In its general appearance, it was described as resembling the North Carolina gold—Specific gravity, 16.5.—considered worth 89 cents per pennyweight.

#### 1825.] NEW HAMPSHIRE.

Commissioners, appointed by the states of New Hampshire and Massachusetts, were employed, in the summer of 1825, to ascertain the boundary line, and to erect durable monuments at suitable places. The Massachusetts charter, of 1628, gave the grantees all the land between a certain limit towards the south, and a line running three miles north of the river Merrimac, and every part thereof, and so running westward to the Pacific ocean. The province charter, granted by William and Mary, in 1691, was less explicit, but covered substantially the same ground. A controversy having arisen concerning the construction of these charters, the provinces of New Hampshire and Massachusetts, in 1731, submitted the sub-

ject to commissioners. Their award was referred to the king in council, who, being desirous to curtail the jurisdiction of Massachusetts, arbitrarily assigned to New Hampshire a large tract of land, which that province did not even pretend to claim, ordering the line to be run three miles north of the river, as far as Pawtucket falls, where the river takes a more northerly course, and thence to be run due west, allowing ten degrees for the variation of the needle. The inhabitants of Massachusetts claimed to have their line continue on the northerly or New Hampshire side of the Merrimac, as far up as the forks of the river; while, on the other hand, the government of New Hampshire claimed to have the error, by which ten degrees were allowed for the variation, rectified, so as to restore to New Hampshire, a triangular section of land, of sixty thousand acres and upwards, improperly annexed to Massachusetts. The commissioners of the latter state having no authority to change the existing boundary, each board made a report of the facts to its respective legislature; and here the matter now rests. The state of Massachusetts will, undoubtedly, object to going behind the old survey, unless for the purpose of reviewing it entirely, and asserting a right to the

large tract of land north of the river, of which it claims to have been deprived by the order in council.

**April.**—David L. Morrill was re-elected governor without opposition.

**June.**—Levi Woodbury was elected a senator of the United States, after five ballotings. The vote in the house, on the fifth ballot, stood, Woodbury, 106; Mason, 53; Dinsmoor, 43; Plumer, 1. In the senate, Woodbury had 9 to 2.

On the 17th of June, the following resolutions were adopted by the Legislature:—

*“Resolved,* That the public and patriotic services of JAMES MONROE, of Virginia, late president of the United States, justly entitle him to the virtuous regard of a grateful people.

*“That the legislature of this state entertain a high respect for this distinguished citizen of our country, and feel a deep interest in his future health and happiness.”*

During the year commencing in June, 1824, and ending in June, 1825, the profits arising from the state prison, amounted to \$6,350.75.

A canal was contemplated between the Winnepiseogee lake and the Piscataqua river. The following is the result from the report of Mr. James F. Baldwin, of his surveys and estimates for a canal, from the tide-water, at Dover, to the mouth of Merrymeeting ri-

ver, on Winnepiseogee lake, in the town of Alton; and, from the upper side of the lake, near Centre harbor, to Merrimac river, in Holderness, four miles below Plymouth court house. The length of the canal, by the route surveyed, will be a little over 28 miles; the distance, across the lake, about 22 miles; and, the route surveyed, beyond 15 miles, including 10 miles through the navigable waters of Long Square and Little Squaw lakes; making, in all, a navigation of 65 miles from Dover. A continuation of the route, 34 miles farther, by way of Baker's river, would reach the Connecticut river at Haverhill.

The height of the Winnepiseogee lake, above the tide, was found, by Mr. Baldwin, to be 501 feet. He proposes to feed the canal, from the lake to Dover, from the lake itself. This will require the waters of the lake to be raised two feet by a dam, at the present outlet, and a deep cut, averaging 17 feet for seven miles. He proposes that the canal shall be 25 feet wide at the bottom, the water 4 feet deep, the locks  $12\frac{1}{2}$  feet wide, in the clear, and 82 feet long, and to be built of stone. These dimensions will admit the passage of boats, suitable for the safe and convenient navigation of the lake, and of a supply of water for manufacturing purposes. He proposes that

the descent should be effected by 60 locks, 14 of which will be within the first mile from Dover, 5 in the second, and 23 in the nineteenth, twentieth, and twenty-first.

He estimates the expense of the locks at 5,500 dollars each, making, for the 60 locks, 330,000 dollars; the excavation of the deep cut of seven miles, at 156,800 dollars; and the whole cost of the 23 miles, from Dover to the lake, at 590,982 dollars. The cost of continuing the route, from the lake to the left bank of the Pennigewasset, on the Merrimac river, terminating at a level of 96 feet above the river, he estimates at the farther sum of 73,998 dollars. If continued to the river, 12 more locks would be necessary; but if continued farther up the left bank, only 4 might be necessary, before crossing the river, by an aqueduct to meet a canal from Baker's river. To the above estimate he adds 10 per cent. for contingencies, making an aggregate of 731,478 dollars.

*August.*—A pig of fine malleable copper, weighing thirty-two pounds, the produce of 200 pounds of ore, (pyritous copper of Cleveland,) was obtained from Grafton county, in this state. The ore was smelted by the Messrs. Ellicotts, at their copper works, near Baltimore; but, as the furnace was not constructed for the purpose of working copper ores, the assay did

not furnish the full amount of the copper which the ore contained. In proper furnaces, it will probably yield from fifteen to twenty-five per cent. of malleable copper. The mines are owned, together with an extensive tract of land, by an incorporated company, and miners are now successfully engaged in raising the ore, which is to be smelted in furnaces, about to be erected, in the vicinity of the mines.

The following is the result of the surveys made for canals in the upper part of Vermont and this state:—

Three routes have been surveyed between Connecticut river and lake Memphremagog; on one of which the summit level was 1011 feet; on another, 523 feet; on the third, four hundred and ninety-five feet. The height of the Memphremagog above the Connecticut, at Barton, the northern termination of the surveys of the Connecticut river association, is 232 feet. The fall on the Connecticut river, from lake Connecticut to Barnet, is 1170 feet. The fall from the Canada line to Barnet, is 608 feet.

The legislature of this state met at Concord, on the 7th of June, 1826. Henry Hubbard, Esq. was almost unanimously elected speaker of the house of representatives. Matthew Harvey was elected president of the senate. The votes

given at the late election for governor were counted :—the whole number given was 30,251, of which David L. Morrill received 17,528, and Benjamin Pierce 12,287, and there were a few scattering votes. Governor Morrill was then qualified, and communicated his message to both branches of the legislature.

Among other important matters, it appeared, from the message, that a profit of \$13,000 dollars was derived from the state prisons during the year.

In the senate, a report was made by the committee appointed on banks, from which it appeared, that from November to May, the capital stock actually paid in, of the banks of the state, was increased from \$1,577,350 to \$1,742,650—that two new banks went into operation during that time, with a capital of \$150,000—that the debts due all the banks were reduced, in the same time, from \$2,450,634 32, to \$2,425,539 90 ; and that the bills in circulation, were reduced from 956,204 50, to 860,583 ; while the specie on hand was increased from \$220,487 37, to \$279,225 60. The report concludes with an opinion, that no new banks ought to be created.

There are some very extensive manufacturing establishments in this state. At Nashua, which is situated about 35 miles from Boston,

there are a number of large cotton and woollen factories, at one of which from 4 to 500 yards of finished woollens, per day, were supposed to be made ; and, at Dover, 11,000 spindles are now operating, with 350 looms—and 10,000 spindles and 400 looms, in addition, are preparing. There is, also, a large iron and nail factory attached ; all which is moved, and to be moved, by one water wheel, 28 feet in diameter, and, on account of its length, thought to be the largest ever constructed. The establishment called the Great Falls factory, five miles from Dover, is on the same large scale, and proceeding to its completion very rapidly.

An extensive and rich lead mine was discovered at Eaton ; some of the ore of which has yielded seventy-five per cent. of lead : and arrangements are making to work it on a large scale.

The land is owned by James W. Ripley, Esq., of Fryburgh, Me. and was lately purchased for thirty dollars.

#### 1825.] MASSACHUSETTS.

The reception of general La Fayette, by the legislatures of several of the New England states, occurred in the summer of 1825. To avoid the repetition of circumstances, necessarily somewhat similar, we mention the particulars of only one of these, namely, his reception by the state government of

40



Massachusetts,—and the incidents connected with it.

La Fayette, after having passed through the Southern and Western states, arrived in Boston from Albany, Wednesday, June 15th. According to previous arrangement, at a quarter before ten, the ensuing day, the governor, the executive council, and the members of the legislature in convention, with a large concourse of citizens, assembled in the hall of the house of representatives. General La Fayette was then introduced and welcomed, in an appropriate address from governor Lincoln ; to which, the general replied with his usual promptitude, and felicity of thought and expression. The most cordial and friendly greetings followed, between general La Fayette and the members of the state government, and distinguished persons present ; after which, the convention separated.

On Friday, the 17th, the anniversary of the battle of Bunker hill, a more impressive celebration took place, than any other, which the recent annals of New England record. Being the fiftieth anniversary, it had been selected for laying the corner stone of an obelisk in commemoration of the battle, to be erected chiefly by private subscription, under the direction of an association of patriotic individuals. The occasion drew a

vast concourse of spectators, attracted by the nature of the incident,—by the celebrity of the president of the association, Mr. Daniel Webster, who was to deliver an address in honor of the day,—and by the desire of viewing La Fayette. Fortunately, the weather proved auspicious ; and at an early hour, a procession was formed at the state house, consisting of masonic fraternities, military bodies, members of the state government, and citizens, who marched to the proposed site of the monument in Charlestown. Here the corner stone of the monument was laid, by the grand lodge of Massachusetts, with suitable ceremonies. The assembled multitude then proceeded to a large area, occupying nearly the whole northeastern side of the hill, where seats had been placed in the form of an amphitheatre, capable of accommodating an immense number of persons. In the centre of the base of the declivity, upon a stage erected for the purpose, the orator pronounced *sub dio* an address, which equalled the high expectations awakened by the occasion, and which, already bears an established character in the classical literature of our country. The presence of La Fayette, and of many other veterans of the revolution, added to the public enthusiasm, excited by the intrinsic character of the scene ; which left



an impression upon the people of New England never to be effaced.

The oration and other customary exercises of the day being concluded, invited guests and others, who provided themselves with tickets, dined under an awning, at tables set on one side of the battle hill, for between four and five thousand persons, and completely full.

La Fayette was received at Concord, June 21st, by the state authorities of New Hampshire; by those of Maine, at Portland, on the 24th; from whence he proceeded to Montpelier, the capital of Vermont.

The receipts in the treasury of Massachusetts, for the year ending December 31st, 1825, exclusive of loans, amounted to \$275,527; and the payments during the same year, to \$238,621.

Of the laws enacted by the legislature of Massachusetts, for this year, the most important was designed to relax the rigor of the existing laws, against usury. Previously, the taking or reserving more than six per cent. interest, was liable to punishment by indictment, or by *qui tam* action; and to a forfeiture of the whole value of the loan. By the new act, the forfeiture was confined to the interest only; the lender not being made subject to any penalty beyond, nor to any suit or prosecution, on account of the usurious contract. This essential change,

however, in the policy of the system, was greatly qualified, by an act of the ensuing legislature.

An additional law was passed for the promotion of education; requiring, among other things, annual returns to be made to the legislature, of the number and ages of the pupils in the schools, public or private; and the annual expense of the primary instruction of youth.

An act providing for a more summary mode of compelling refractory tenants to quit; and providing also, for giving notice by either landlord or tenant, who should desire the dissolution of their contract; has greatly improved the condition of the law on this subject.

In respect to internal improvements, a valuable act of this legislature, was for the establishment of the New England society, for the promotion of manufactures and the mechanic arts. The object of the institution, is to encourage domestic manufactures, and mechanical skill, in every department of industry, by public sales and exhibitions of the products of the arts; by awarding premiums for new inventions, and for the best specimens of skill; by introducing new improvements made in other countries; and by collecting models of inventions.

*April.*—Levi Lincoln was elected governor, and Marcus Morton lieutenant governor, without opposition.

The following was the state of bank capital in this state, as exhibited by the official returns of the banks, to June, 1825.

	June, 1825.	Jan. 1825.
The whole amount of bank capital in this state,	\$14,535,000	13,300,000
Bills in circulation of the several banks,	4,091,381	5,756,564
The total amount of specie in the several banks,	1,098,966	1,360,856
Capital stock of the Boston banks,	10,300,000	10,050,000
Bills in circulation of the Boston banks,	1,918,399	3,333,787
Specie on hand,	527,782	855,174
Capital stock of the Salem banks,	1,450,000	1,450,000
Bills in circulation,	300,298	376,706
Specie on hand,	72,964	70,750
The capital stock of the banks out of Boston, in June, 1825, amounted to		4,235,000
They had bills in circulation, amounting to		2,172,982
They had specie in their vaults,		511,184

The state prison yielded a clear profit this year, of \$10,055.

By the system for the support of the poor, as pursued in Salem, the whole expense of that branch of the municipal arrangement, was reduced to \$64 85. Under the wise management of the overseers, the earnings of the paupers have defrayed all the rest of their subsistence. In their report, the overseers observe :

“The farm, under the superintendence of Mr. Upton, has been improved, during the past year, much more than in any preceding year, since the commencement of the establishment; and, generally, the concerns of the alms-house are in a more promising condition than they have been at any former time

since the present board have been entrusted with this department of the economy of the town.”

*May.*—The legislature met on the 25th, Mr. Timothy Fuller was elected speaker of the house. Mr. N. Silsbee was rechosen president of the senate. The people of the towns of this state, have to pay their own representatives in the legislature, out of their town treasuries; and hence, oftentimes, do not send any. At the present meeting, it was calculated, that 168 towns were not represented.

During the session, acts were passed for the incorporation of nine banks, two insurance companies and eight manufacturing companies.

*November.*—An extensive fire

took place at Boston, on the morning of the 10th. Ten large and several small buildings were destroyed. It began on the south side of Court-street, and spread with wonderful rapidity, the wind being brisk from the north. Several ranges of buildings, on both sides of Court-street were destroyed, and others adjacent much injured.

The corporation of Boston commenced their preparations to supply that city with pure water. Charles river, above the Watertown falls and Spot pond, were selected as the best sources of supply. They are distant between eight and nine miles from the city. The pond is about 140 feet above tide water, and is already high enough; but the river requires an additional height, of about sixty feet, which is to be given by artificial means.

A lead mine was discovered in

the town of Leverett, four miles east of Connecticut river.

*December.*—A serious riot took place in Boston, at the theatre, in reference to Kean, the actor. A mob of several thousand persons collected on the night of his appearance, around the theatre, which was also filled to overflowing. The actor was driven from the stage, and the doors being forced by the crowd from without, a scene of destruction commenced within. The audience part of the theatre was completely destroyed. The benches were torn up and thrown into the street, and the windows and frames shivered to atoms. Several persons were injured, but no lives lost.

There are a number of large glass manufactories in this state. The following statement will show their extent, and the amount of their manufactures per year.

	<i>Per week.</i>	<i>Per year.</i>	
New England Glass Co.	{ Flint glass, \$2,500 Crown do. 1,500	{ \$130,000 78,000	} 208,000
South Boston Glass Co.	{ Flint glass, 1,200 Crown do. 2,000	{ 62,000 104,000	
Essex-street, Boston, Co.	Crown glass, 1,500	78,000	} 166,400
	8,700	452,400	

The flint glass company at Sandwich, makes annually about \$64,000 worth; the Phenix flint glass company, \$18,200; the Chelmsford crown glass, \$31,200.

1826.]—BANKS.—From the re-

turns showing the state of the banks of the commonwealth of Massachusetts, on the 7th January, it appears that the whole amount of the capital paid in, was \$16,378,869, and that the amount

of bills then in circulation, was of bills in circulation is nearly 29  
\$4,722,866. The whole amount per cent. on the amount of capital.

	Capital.	Bills in circulation.	Proportion of bills.
15 banks in Boston,	11,050,000	2,164,375	19½ pr. cent.
38 banks out of do.	5,328,869	2,558,491	48 pr. cent.
8 allied banks, .	5,800,000	1,284,563	22½ pr. cent.
7 other Boston banks,	5,250,000	879,812	16½ pr. cent.
5 Salem banks,	1,450,000	299,238	20½ pr. cent.
8 other Essex banks,	1,120,000	594,737	53 pr. cent.
13 Essex banks,	2,570,000	894,975	34½ pr. cent.
13 Western banks,*	1,316,459	865,961	66 pr. cent.
12 Southern banks,	1,442,410	798,555	55 pr. cent.

The whole amount of specie in the several banks, was \$1,348,200—of which the Boston banks held \$754,000. The city banks had 6 ⅓ per cent. of their capital in specie, and the country banks upwards of 10 per cent.

**BLACKSTONE CANAL.**—The line of this canal was marked out through Worcester, in the latter part of April. From the Blackstone factory in Mendon, to Providence, it was all under contract, and rapidly proceeding to its completion.

**MERRIMAC MANUFACTURING COMPANY.**—In 1813, a small factory which cost about \$3,000, was erected in the town of Lovell. In 1820, or 21, a company in Boston purchased some land in the vicinity, and commenced improving the canal around the Pawtucket falls. The expense of blasting the rocks, and digging

the canal, was \$120,000—the gun powder used, costing them \$6,000! The water which it furnishes, is estimated as being capable of driving fifty mills, with 3,600 spindles each! The company was incorporated in 1825, with a capital of \$600,000. This company is now acting on a capital of \$1,200,000! They have five great factories nearly completed, and others will be put up. They are using about 450,000 pounds of cotton annually, and making about two million yards of cloth, three-fourths of which is dyed or printed on the premises.

Near to those factories, another concern, called the Hamilton manufacturing company, is located, with a capital of \$600,000. They commenced their buildings in 1825, and have already erected one factory 155 feet long, and with seve-

\* This class includes one bank in Middlesex, five in Worcester, three in Hampshire, two in Franklin, one in Hampden, and one in Berkshire.

ral ranges of dwellings, &c. They were in operation last month, and intend to make twilled cotton goods, chiefly. There are seats for eight mills like that which they have built.

The Merrimac company employs 967 persons—299 males and 668 females—107 of whom are less than twelve years old. In the houses appertaining to the “machine shop,” there are 263 persons, of whom 162 are males, and 101 females. Half a ton of cast iron is the average amount daily used in this shop, and, also, large quantities of wrought iron. Besides, there are saw mills, grist mills, &c. The whole population of the town is about 2,500. They have a handsome church, school houses, and other edifices. A village, with 3 or 400 inhabitants, has, also, sprung up on the opposite side of the river.

Another new village, called “Ware,” has also sprung up in Massachusetts, within the last four years. Three great factories are already in operation; one of them contains 4,500 spindles, and 156 looms.

*June.*—PUBLIC SCHOOLS.—The city of Boston contains 10,236 pupils, of which 7,044 are in public, and 3,392 in private schools. Number of schools, 215—annual expense, \$152,722—of which individuals pay \$97,305; and the city

\$55,417, exclusive of large sums annually expended in the erection and repair of school houses.

By a report of the secretary on schools, it appears, “That in 128 towns reported in the state, the money appropriated to schools, by the towns, is \$163,929 76. Number of districts, 972. Number of children, 71,259. Number of academies and private schools, 18,143. Amount expended in private tuition, 158,809. Number who can neither read nor write, 347. Of this last item, 75 are in Marblehead; 50 in Adams; 39 in Mendon; 20 in Milford; 18 in Plymouth; 16 in Harwick; and 7 in Hancock; and one or two others in various towns.”

Mr. Lincoln, re-elected governor, had 27,884 votes out of 39,992, all that were given.

A large bed of pure white clay, was discovered on the farm of captain Luse, at Martha’s Vineyard.

Mr. Nathaniel Silsbee was elected a senator of the United States. 1825.] RHODE ISLAND.

Great efforts have been made by the most intelligent citizens, to reform the judiciary of this state. In consequence of the present organization of it, most of the important law business is carried into the circuit court of the United States; because the judges of the state court having very small compensation, and not being of the le-

gal profession, are necessarily taken from a class of men, incompetent to an enlightened and satisfactory discharge of judicial duties.

In evidence of the prosperous condition of Rhode Island, it is mentioned, that, deducting the waters of Narraganset bay, the whole state contains but 1,100 square miles, having a population of 75½ to each square mile.

*May.*—The expenditures of the state, during the last year, were \$19,859 19.

*June.*—BANKS.—There are in the state forty-three banks. The following is an aggregate view of their condition :—

Capital stock paid in,	\$5,301,792
Deposites,	767,908
Profits on hand,	115,771
Debts due from banks,	5,976
Bills in circulation,	101,499
Debts due from directors,	917,307
Due from other st'khold'rs,	675,196
—from all other persons,	4,471,410
Specie,	462,439
Bills of other banks,	194,400
Deposites in other banks,	166,746
Bank stock,	71,002
United States' bank stock,	50,000
Real estate,	192,464

A destructive fire happened in Providence. The Universalist church, and eleven other buildings, were destroyed.

*October.*—The supreme court of this state have the power of granting divorces. Thirty-one applica-

tions were made to it during its last session.

The registered state debt, exclusive of four per cent. notes, was, in the whole, \$48,000.

There are ninety cotton mills in this state. Some of them are very large.

1826.]—*July.*—An addition of \$100,000 was made to the capital of the Branch bank of the United States, at Providence.

The expenditures of the town of Providence, during the year, amounted to \$47,808, of which \$6,731 were expended for the support of the schools, and \$7,797 for the support of the poor.

Major Handy, who read the declaration of independence fifty years ago, was appointed to read the same on this anniversary.

1825.] CONNECTICUT.

The Farmington canal was commenced early in August, 1825; and it was expected, that by the following summer, it would be completed from the line of Massachusetts to New Haven.

The insolvency of the Eagle bank of New Haven, which occurred in September, 1825, produced a great sensation in Connecticut, and in some of the neighboring states, where its notes had been largely pushed into circulation. Misdirection of the funds and concerns of the bank, was the only cause, which could account for the

bankruptcy. The Derby bank also failed, but without occasioning so much loss as that of New Haven. Happily, however, owing to the system pursued by banks, in the commercial cities, of sending home the bills of country banks for specie, neither these failures, nor those of the Passamaquoddy and Kennebec banks, caused so much loss out of their respective states, as, in other periods, they would and must have done.

*May.*—Oliver Wolcott was re-elected governor. He received 7,147 votes; and about sixty others, 3,284.

Calvin Willey was elected a senator to the United States, on the fifth ballot.

**DRAF AND DUMB.**—The Hartford asylum, under charge of Messrs. Gallaudet & Clerc, has sixty-five pupils, under the charge of five instructors—two at 1,200, one at 1,000, one at 800, and one at 700 dollars a year. The cost of board and tuition, including washing and stationary, is 115 dollars a year. The buildings are large and commodious, and can accommodate 130 pupils. There are various workshops, and the boys spend five hours every day in learning some useful trade, such as carpentry, coopering, shoemaking, &c. The product of these shops do not pay the expenses of them,

but they prepare the deaf and dumb to earn their future support. The period of four years is generally sufficient for their instruction in what is taught in the asylum. One hundred and twenty-eight pupils have been received into the asylum, since its establishment; but of this number, only twenty-eight have sprung from families able to maintain them there. The remaining hundred have generally been maintained by the states, to which they belong.

This institution was incorporated in 1816—its funds then amounted to \$25,505, obtained by subscriptions and contributions. It has since received a large increase of its funds, from individuals and religious societies, &c.; and the present value of them is estimated at \$215,000—yielding an actual income of only 5,200.

*June.*—An agricultural school, entitled the “Fellenburg school,” for instruction in horticulture, agriculture, &c. was established at Windsor, in this state.

The school fund of this state, amounts to \$2,756,233.

The receipts into the treasury, during the year ending 31st of March, were \$64,156 33, viz:—126 38 avails of court; 3,990 83 forfeited bonds; 7,875 57 duties on writs, licenses, &c.; 11,252 dividends on bank stock; 2,820,61

interest on United States stock ; 37,679 86 state tax ; and 1,011 78 tax on bank stock, owned by non-residents.

The expenditures, during the same period, were \$58,408 99, viz : 9,259 on account of salaries ; 13,937 58 debenture and contingent expenses of general assembly ; 6,422 05 contingent expenses of government ; 16,713 80 judicial expenses ; 2,690 92 support of state paupers ; 7,284 90 for state penitentiary ; and sundry expenses to the amount of about 2,000.

The debt due by the state is only \$1,681 38.

The permanent funds of the state, consist of \$321,000, in transferable bank stock, and 55,302 66, United States three per cent. The state has, besides, 52,709, in transferable bank stock.

The ceremony of breaking ground for the Farmington canal, took place on the 4th of July, at Salmon brook village, in Granby. Governor Wolcott delivered an address on the occasion.

BANKS.	Capital stock paid in.	Notes in circulation.	Cash on hand.	Deposites.	Specie funds.
Phenix	1,210,000	629,850	116,497	213,710	
Derby	100,000	1,271			95,982
Fairfield county	96,000	88,974	17,080	15,506	72,080
Eagle	623,800	481,279	87,913	139,748	139,748
New London	130,250	44,677	32,704	28,130	
Windham county	75,000	132,640	27,739	18,859	
Middletown	350,000	175,528	111,988	including deposits	
New Haven	339,600	142,121	43,049	129,195	
Union	100,000	49,981	17,712		
Norwich	150,000	110,178	46,857	67,887	
Hartford	1,278,000	337,059	99,464		
Stonington	50,456	41,186	38,948	6,039	
Bridgeport	100,000	77,212		25,753	56,028
Total,	4,613,106	2,311,956	639,951	644,827	363,338

*September.*—On the 6th, the anniversary of the bloody assault of the British, in 1781, on fort Griswold, was celebrated with appropriate ceremonies. It was resolved, that a monument be erected on Groton heights, commemora-

tive of the occasion ; and a committee was appointed for that purpose.

*November.*—SILK.—Windham county is estimated to produce in sewing silk and raw silk, \$54,000 a year.



1826.]—*February*.—The result of a survey, made under the direction of the company, presents a very favorable aspect for the completion of a projected inland navigation. It appears that from Hartford, Connecticut, to Barnet, Vermont, is a distance of 219 miles; seventeen miles of which will require canalling, and the remaining 202 miles a slack water navigation in the river. The different portions of canal to unite the slack water, will require forty-one locks; the descent from Barnet to Hartford being 420 feet. The estimated cost of all these improvements is \$1,071,827. It appears, farther, that the improvement of the river in this manner, by dams and locks, is preferred by the company to a canal running up the valley. In this particular, they allude to the Schuylkill navigation. It is

also suggested, that the river improved in this manner, above Hartford, would afford a better facility for the introduction of steamboats of a light draught of water, than for horseboats.

*May*.—Samuel A. Foote, Esq. was chosen a senator to the United States, in place of Mr. Edwards. The vote was for Mr. Foote, 98; Mr. Bristol, 87.

*June*.—The present principal of the school fund of this state, is \$1,719,434, and the interest due, 116,288. The number of persons between the ages of 4 and 16, is about 85,000. There are 208 school societies, and 85 cents is the dividend for schooling each person. This splendid fund mainly owes its prosperity to the unwearied attention and rigid honesty of Mr. Hillhouse, who, for many years, had charge of it.

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## MIDDLE STATES.

### 1825.] NEW YORK.

This state, which, from its position, wealth, and population, is justly regarded as the key stone of the confederacy, this year presented a uniform and unsullied picture of the happiness and prosperity, which a free community must enjoy under an enlightened government. Its citizens were unusually free from the political excitement

which generally prevails in a large state, where the offices of trust and honor, present sufficient inducement for the efforts of a generous ambition; while the government devoted the resources of the state with unwearied attention to the completion of its system of internal communication, and providing the means of public education.

The great canal. between lake

Erie and the Hudson, which was commenced in 1817, was this year completed ; and on the 4th of November, 1825, the first boat from the great inland lakes arrived in the harbor of New York. As this boat passed the different villages on the banks of the canal, salutes were fired, processions formed, and addresses made to the commissioners, who were on board, in honor of the event. It was a triumphal journey, through a population, who felt that more human happiness was conferred by the scientific victory which they celebrated, than any military conquest of ancient Rome.

This canal, which was made by the unaided efforts of a single state, still in its infancy, is 360 miles in length, with an average breadth of 40 feet. It has 81 locks, chiefly of stone. It is carried through a very fertile country, whose population has been much augmented by emigrants, attracted by the facilities afforded by the canal to transport agricultural productions to the great mart of the United States.

The cost of this, and the Champlain canal, was \$9,123,000 ; and their annual revenue already amounts to 566,221 ; of which 73,557 were derived from the tolls of the Champlain canal.

Besides this splendid work, a canal commenced about the same time, has been completed, connect-

ing the Hudson with lake Champlain.

The advantages of these canals, were so fully demonstrated by experience, that new canals were projected in other parts of the state, and a general feeling prevailed to improve all its internal communications to the extent of their capability, and \$12,500 were appropriated by the legislature, for the survey of new routes for canals.

Other canals, which were authorised, as one between the Erie canal and lake Ontario, along the Oswego river, and another to communicate with Cayuga and Seneca lakes, from the Erie canal, were also commenced. A great portion of the former was put under contract, and surveys and estimates were made for the other.

By the constitution of this state, a census is to be taken of the population, &c. every tenth year ; and the census for the year 1825, which was the year appointed for taking the same, presented the following results :

POPULATION.—Total population of the state, 1,616,458 ; of which number there are 822,896 males, and 793,564 females : male persons subject to militia duty, and between the ages of 18 and 45, 180,645 ; male persons qualified to vote at elections for state and county officers, 296,132 ; aliens, 40,430 ; paupers, 5,610 ; persons of color who are not taxed. 38.-

770 ; persons of color who are taxed, 931 ; persons of color who are taxed, and qualified to vote at elections for state and county officers, 298 ; married females under 45 years of age, 200,481 ; unmarried females between the ages of 16 and 45 years, 135,391 ; unmarried females under the age of 16 years, 361,624.

Number of marriages the year preceding, 11,553 ; number of births the year preceding, males 31,514, females 29,869 ; number of deaths the year preceding, males 12,525, females, 10,019.

**LANDS AND STOCK.**—Whole number of acres of improved land, 7,160,967. Number of neat cattle, 1,513,421. Number of horses, 349,628. Number of sheep, 3,496,539. Number of hogs, 1,467,573.

**MANUFACTURES.**—Number of yards of fulled cloth, manufactured in the domestic way, the preceding year, 2,918,233. Number of yards of flannel and other woollen cloth, not fulled, manufactured in the domestic way, the year preceding, 3,468,001. Number of yards of linen, cotton, or other thin cloths, manufactured in the domestic way, the year preceding, 8,079,992.

Number of grist mills, 2,264. Number of saw mills, 5,195. Number of oil mills, 121. Number of fulling mills, 1,222. Number of carding machines, 1,584. Number of cotton factories, 76. Num-

ber of woollen factories, 189. Number of cotton and woollen factories, 28. Number of iron works, 170. Number of trip hammers, 164. Number of distilleries, 1,129. Number of asheries, 2,105.

Number of deaf and dumb persons : males under 10 years, 68 ; between 10 and 20 years, 221 ; females under 10 years, 67 ; between 10 and 25 years, 213—total 645. Number of idiots : males under 21 years, 336 ; above 21 years, 397 ; females under 21 years, 321 ; above 21 years, 322—total 1421. Number of lunatics : males under 21 years, 33 ; above 21 years, 373 ; females under 21 years, 27 ; above 21 years, 356—total 819.

The legislature, which met in November, 1824, as a sort of peace offering to their constituents, who had been much excited by the retention, in the hands of the same legislature, of the choice of presidential electors, passed a law, submitting to the people, to decide between the general ticket, or district system. As the succeeding legislature had passed a law, giving the choice to the people in districts, but little interest was felt in the fate of this question. At the fall elections, however, the vote stood 66,324 in favor of the district system, and 56,801 in favor of a general ticket.

A change was proposed to the constitution, in the legislature, for

1825, giving the choice of justices of the peace to the people; and another, extending the right of suffrage to every white citizen, who had resided in the state twelve months, and in the county six months.

These amendments were ratified by two thirds of the legislature for 1826; and a law was passed, submitting the decision of these questions to the people, at the next fall elections. A law was also passed, raising the sum to be annually distributed to the common schools, from the state treasury, to \$100,000; and a law laying a tax on dogs, with the view of encouraging the breeding of sheep.

A law was also passed, making some very judicious provisions for the security of steamboat and stage passengers. Steamboats are required, when they meet each other, *to keep to the right*; and, when going the same way, not to approach nearer than twenty yards. When passengers are landed at intermediate places, the engines are to be stopped, and the boats lowered fairly upon the water before the passengers get in. The boats are required to carry two or more lights at night—and all captains must be *licensed* by the wardens of the port of New York. A violation of any of these rules will incur a penalty of \$250.

Stage drivers are to be licensed by justices of the peace, and are made liable to heavy penalties for upsetting their carriages, or wilfully running their horses.

*March.*—The chiefs of the Seneca tribe of Indians, wrote a memorial to governor Clinton, complaining of the missionaries *who had settled among them*.

The following resolutions were unanimously passed in the assembly of this state:—

“Whereas James Monroe, the present chief magistrate of the nation, will soon retire from the high office which he now fills, and to which he has been twice called by the free voice of his country; and whereas, in the opinion of this house, an expression of its gratitude is due to the said James Monroe, as a public benefactor: Therefore,

“*Resolved*, That this house entertains a grateful sense of the many highly important services which have been rendered to the republic by this distinguished individual.

“*Resolved*, That his administration of the general government for eight years past, has been eminently calculated to promote the prosperity and honor of his country.

“*Resolved*, That this house offers to the said James Monroe, assurance of its high consideration

and respect, and of its ardent wishes that he may long live to enjoy, with his fellow citizens, the blessings of that liberty and independence, for the attainment of which he shed his blood, and for the perpetuation of which he has so long and faithfully labored.

*“Resolved,* That the honorable speaker of this house be, and he is hereby, requested to transmit to the said James Monroe, a copy of the foregoing resolutions.”

**SCHOOLS.**—During the year 1824, the number of children taught in the common schools of New York, was 402,940, for the average period of nine months.

There are in the state, 7,642 school districts; and, of course, the same number of common schools. Three hundred and eleven new school districts were formed during the year 1824.

The sum paid to the teachers of the common schools during that year, out of public funds, was \$182,741.

The general school fund, consisting of loans due the state, bonds, &c. bank stock, lands, &c. amounts to about \$1,730,000; and the local school fund, to about 37,000. The general school fund is productive in part only, as the lands remain principally unsold.

In addition to the above \$715,543 in money, was appropriated to

the colleges and academies, throughout the state, and a number of lots of land to others.

**June.**—On Thursday, the 4th of this month, the gates at the foot of Black Rock harbor were opened, and lake Erie, for the first time, commenced feeding the western extremity of the Erie canal.

**July.**—Seven young men were convicted of manslaughter, for killing Mr. David R. Lambert, a respectable merchant of the city of New York. Mr. Lambert, with some friends, was returning from a wedding party about 12 o'clock at night, and was met by the young men, insulted, and finally struck; and by one blow, deprived instantly of life. The offenders were sentenced to the state prison for seven years.

**BALLOON.**—Mr. Eugene Robertson ascended in a balloon from Castle garden, in the presence of general La Fayette.

The American bible society celebrated its ninth anniversary, at New York, on the 12th instant. According to the annual report then made, it appeared that the receipts of the last year, (exclusive of voluntary contributions towards the building of the society's house,) amounted to \$46,501 81; and the expenditures for the same period, to 47,599 13. There have been printed, during the year, 48,550

copies of bibles and testaments, making an aggregate of 451,902 bibles and testaments, since the society was founded. Since the last report, there have been issued from the depository, 30,094 bibles, 33,106 testaments, and 651 copies of the epistle of St. John, in the Mohawk and in the Delaware language, making a grand total, since the institution of the society, of 372,913. Of those issued during the last year, 19,623 copies were issued gratuitously. Forty-four new auxiliary societies have been added, during the year; making in all, 451 recognized auxiliaries to the parent institution.

The ceremony of laying the "cap stone" of the flight of locks at Lockport on the Erie canal, took place on the 24th of this month.

On the 19th of this month, an extensive fire happened at Hudson. Twenty-four, or twenty-five buildings were destroyed, and property to the amount of about \$50,000.

*August.*—At the village of Fredonia, in the county of Chatauque, there are several buildings lighted by natural gas. The hydrogen gas, or inflammable air, which produces these lights, is procured by drilling a hole several feet into the rock, which composes the bed of the creek that passes through the village, and is conducted by logs to the buildings lighted.

*November.*—The celebration of the opening of the grand Erie canal, and the arrival of the first boat at New York, took place on the 4th of this month. A procession of twenty-one steam boats was formed with several vessels in tow, and the whole proceeded to Sandy Hook, where the ceremony of uniting the waters of lake Erie and the Atlantic, was performed, by pouring a keg of that of lake Erie into the ocean. The nautical expedition then returned, and the day was concluded by civil and military processions. In the evening, several buildings were illuminated, and a grand ball was given.

*January, 1826.*—The legislature met at Albany on the 3d of this month. Samuel Young, Esq. was elected speaker, at the first ballot.

Nathan Sanford, Esq. chancellor of the state, was elected a senator with but one dissenting voice. Samuel Jones, Esq. was appointed by governor Clinton, with the consent of the senate, chancellor, in the place of Mr. Sanford.

A survey and estimates were made for supplying the city with water from the river Bronx, by a tunnel of thirteen and a half miles long, to Harlem, and thence by iron pipes, nine miles to the city. Whole distance twenty-two and a half miles, and the cost of the tunnel,

pipes, reservoirs and distribution of the water, is estimated to cost \$1,325,000. The river Bronx, at the dryest season of last year, was gauged, and found to yield 4,307,720 gallons in twenty-four hours; but, by the addition of certain ponds, the supply may be increased to nine million of gallons.

The following is an abstract of the annual census of the "humane and criminal institutions in the city of New York," taken on the 1st of January.

Orphan asylum—boys 103, girls 56—159; increase 9. City hospital—patients 162, lunatics 88—250; decrease 6. City alms house—white men 521, women 533, boys 368, girls 234, persons of color 86—1,742; increase 58. Bellevue hospital—maniac men 40, do. women 44—84. House of refuge—boys 49, girls 14—63. Debtor's prison, including the liberties, 178—decrease 122. Bridewell—white men 78, women 17, black men 48, women 19—171; increase 46. Penitentiary—criminals 84, of whom 30 are black, vagrants 210, of whom 83 are white women, and 42 black women—total 162; decrease 44. State prison—white men 352, women 13, black men 104, women 27—496; decrease 146. [One hundred and nineteen persons were removed to the state prison at Auburn, &c. during the year; but 33 less were admitted during the last year than in the pre-

ceding.] All these together, show a general decrease of 56; last year 3,484, present year 3,428.

The whole receipts in the treasury of the city of New York, for the last year, amounted to the great sum of \$780,387—of which 324,675 were on account of taxes; 150,927 for assessments, for streets opened, & and 138,400 borrowed. A balance of 29,794 was left in the treasury. Some of the chief items of expenditure were, for opening streets, &c. 181,312; bonds paid, 50,700; docks and slips, &c. 35,112; interest account 83,967; alms house, bridewell, penitentiary, &c. 81,546; lamps and lighting the city, 27,520; watch, 60,650; salaries, 22,181; common schools and charities, 16,587, &c.

A new state prison is building on the margin of the Hudson, in Westchester county, about thirty-three miles above the city of New York. The site contains 130 acres, of which 100 is marble rock, which supplies materials for the edifices, and will hereafter furnish employment for the convicts in quarrying and fashioning the stone as may be required for other buildings. About 100 convicts are at present at work on the spot.

**MONEYED INSTITUTIONS.**—The following is the amount of capital authorised, and the amount paid in by the different companies throughout the state.

	Capital authorised.	Paid in.
Banks,	25,040,350	18,972,619
Insurance companies,	26,350,000	16,033,731
Lombard companies,	1,100,000	1,100,000
<hr/>		<hr/>
Total,	52,490,350	36,106,351

There are forty-eight banks in the state, fifty-nine insurance companies, and five lombard companies. Of the bank stock, the state owns shares to the amount of 406,740 dollars.

*March.*—Jasper Ward, a member of the senate of the state, was obliged to resign his seat, to prevent expulsion, on account of having been concerned in the improper passage of some laws for the incorporation of new companies.

**COMMON SCHOOLS.**—The annual report on the common school fund, gave the following results for the past year:—7773 school districts, being an increase of 131 districts since the last report. (vide page 327.) \$182,790 paid to the several school districts. Number of children educated in the common schools, making returns 425,530. From 656 schools, there were no returns. Capital of the general school fund \$1,319,886. Revenue received from this fund in 1825, 81,815. The lands appropriated to the same purpose, are computed at 858,090 acres, and valued at \$406,418.

*May.*—About 100 feet of the dam, or pier, comprising Black

Rock harbor, gave way on the 27th of this month, and the head water of the harbor fell immediately twenty-two inches.

A great fire occurred in New York city. It originated in what were termed the Exchange buildings, and in a few hours the whole structure was in ruins. The loss sustained, was estimated at \$200,000.

#### 1825.] NEW JERSEY.

*November.*—Isaac H. Williamson was re-elected governor.

The Morris and Delaware canals were in active operation.

At Paterson, in this state, there are twelve cotton mills in operation, and three undergoing repairs; whole number of spindles in them, 21,992; annual consumption of cotton, 1,480,000lbs. There are in the factories, 249 power looms, and seventy-nine hand looms; and 380 hand looms in the town, exclusive of those in the factories. Total amount of cotton cloth manufactured weekly, 58,981 yards. There are two factories employed in making linen duck, having 1,524 spindles, which will consume yearly 406,000lbs. of flax, and manufacture 406,560 yards duck.



Seven-eighths of the flax, spun in these mills is imported! There is also, a rolling mill and nail factory, making 364 tons annually. The weekly wages paid to the different work people, amount to \$4,650, or 241,800 per annum. Paterson has six places for public worship, ten schools with 413 scholars, two banks, and 584 dwelling houses.

The school fund of the state is \$200,000; chiefly produced by bank bonuses.

*December.*—There were fifty-six convicts in the state prison—thirty-six whites and twenty blacks; forty-nine of whom are Americans, five Irishmen, one Englishman, and one Dutchman; nineteen under twenty-five years of age; thirteen in solitary confinement. Actual loss on the institution, after paying all expenses, for the year ending October last, \$2,590 90.

**BANKS.**—The amount of the stock of the several banking, insurance, and canalling companies, of the state, is \$8,875,000; of which, there has been actually paid in, 3,175,666; the annual tax received thereon by the state, is 31,877 62; the whole amount of premiums on charters, or bonuses, authorized to be paid, is 235,233 50; and the amount actually paid to the state treasury, 91,033 50.

1826.]—*January.*—A silver mine was discovered in Sussex county.

**MANUFACTORIES.**—In Jersey city, opposite New York, a company, with \$200,000 capital, have established extensive glass works. About *one hundred* persons are fully employed in them. Adjoining those works is a porcelain factory, with a capital of 100,000, employing about the same number of work-people. A short distance therefrom is a carpet manufactory, with a capital of 400,000, employing one hundred hands. These three establishments probably give subsistence to about *one thousand* persons. They are all in a flourishing condition; and the wares and carpets made by them are of excellent qualities. The carpet factory turns out about 2,500 yards per week, which finds a preference over the foreign ingrain carpeting, and a ready market. The yarn is spun at the Little falls, at which factory, also, the concern employs about one hundred hands.

*June.*—An extensive fire took place in the woods; covering in extent more than 45,000 acres.

1825.] PENNSYLVANIA.

In this state, a board has been lately created for promoting internal improvement; of which, John Sergeant, Esq. of Philadelphia, was appointed president. A spirit of enterprise and improvement began to develop itself; and various undertakings were commenced for the purpose of facilitating the

transportation of produce to market. Among them were the Schuylkill canal works, for the purpose of improving the navigation of that river; the Union canal to open a communication between the Delaware and the Schuylkill, and from the latter river to the Susquehanna; the Lackawaxen canal in continuation of the Delaware and Hudson canal; the Lehigh canal for the purpose of improving the navigation of that stream. The Delaware was also to be united to the Susquehanna and the Ohio, by what was denominated the Pennsylvania canal, extending from Philadelphia to Pittsburg. The commissioners reported two routes to be practicable; one called the Juniata route, and one more northern. As there was not a sufficient quantity of water to be relied on, for the pass across the mountain on the first route, a rail road was recommended.

The estimates for the canal and road from the Susquehanna to Pittsburg, amounted to \$3,045,900.

Two sections of this canal were authorised; being together about fifty-five miles in length, and appropriations made for the same.

Various rail roads were also proposed, and every effort was made by Pennsylvania, to overtake her sister state New York, in the great work of internal improve-

ment. The details will be found hereafter.

*April.*—A bill authorizing the people of the state, to vote for or against a convention to amend the constitution, was passed and became a law; and the votes of the electors were taken in September, when it appeared, that 44,488 were in favor of, and 59,892 against, holding such convention.

*May.*—The state of Pennsylvania owns \$1,789,067 20 $\frac{3}{4}$  of turnpike stock; which, during the year 1824, yielded a revenue of eleven hundred and eighty-seven dollars fifty cents!

The state also holds bridge stock to the amount of \$554,750. This is a little more profitable. It last year yielded a revenue of ten thousand six hundred and forty dollars.

The state has besides \$30,000 in Union canal stock, and 50,000 in stock of the Schuylkill navigation company. At the expiration of fifteen years, \$100,000 of Delaware and Chesapeake canal stock, is to be transferred to it by the Philadelphia bank.

From this, it appears that the whole amount of capital stock, invested in public improvement, is \$2,523,817 20 $\frac{3}{4}$ , and that it last year yielded a revenue of 12,827 50.

The following appropriations, remaining unpaid on the 1st of December, 1824, are not included in the foregoing estimate. For

turnpikes \$156,600 40½; for canals 20,000; for the improvement of rivers and creeks 51,213 50; for bridges 28,750.

*July.*—The corner of the new hall of the Franklin institute, was laid at Philadelphia, in due form by the grand lodge of Pennsylvania.

*September.*—Part of the tunnel of the Union canal caved in, and covered eight of the laborers; four of whom were killed.

**SALT WORKS.**—There are five wells in operation on the Cone-maugh river; from the water of which, 120 bushels of salt are daily made, in sixteen pans.

There are nineteen wells in operation on the Kiskiminetas river, with forty-nine pans, making 1,350 bushels of salt per day, and twenty-nine wells now sinking. One of the new wells is 700 feet deep, and yet yields no water. Several others are 300 feet, and “no water”—but, in two of them, “water” has been found at 350 and 460 feet, respectively. The idea appears to be, that salt-water may be found in *all* the wells—but at uncertain depths. The establishments are in the neighborhood of each other.

The present daily product of the works, at both places, is 1,470 bushels of salt, which is sold on the spot for the reasonable price of thirty cents per bushel. The manufacture subsists between 12

and 1,500 persons, including the families of the workmen. The fuel used is stone coal, the stock of which is inexhaustible, and the supply convenient. The Kiskiminetas is navigable for keel-boats, eight or ten months in the year. There are a number of mills upon it, and a furnace is erecting.

**COAL.**—The following is an estimate of the extent and quantity of the coal formation in Luzerne county.

The length of Wyoming valley is eighteen miles—width of coal, on average, three and a half miles—which gives an area of sixty-three square miles of coal, or 195,148,800 square yards; each cubit yard in the strata, or mines, yields, exclusive of wastage, one ton. The above area, multiplied by fifteen yards, the thickness of several strata, gives 2,927,232,000 tons in the valley of Wyoming.

The Lackawana section, joining the upper end of the valley, may be stated at twenty-six miles, averaging only one-third of a mile wide. The section below the valley is five miles long, by one mile wide.

The coal formation of Luzerne, may then be divided into three sections, each containing as follows: The N. E. or that of the Lackawana valley, 906,048,000 tons; Middle, or that of the Wyoming valley, 2,927,232,000 tons:

S. W. or lower section, 200,000,000 tons; amounting, in Luzerne, to 4,033,280,000 tons. In this estimate, great allowances have been made for pillars, &c. &c.

The following is a statement of the actual length and level of the proposed canal, from Pittsburg to Harrisburg.

1. From the harbor on Ben's creek, the highest point of navigation on the Conemaugh river, to Pittsburg; distance 120 miles and 56 rods by actual measurement.

2. Total fall between these points, 1154 and seven-tenths feet of lockage, on the west side of the proposed canal.

3. Length of the portage between the first point, (the harbor on Ben's creek,) and the highest point of navigation on the Juniata eastward, nineteen and three quarter miles; over which a road may be cheaply made, graded at one degree above the horizon.

4. On the east side of the Allegheny mountain, down the Juniata to Harrisburg, the distance has been ascertained to be, within a fraction, 130 miles.

5. The total fall in this distance, is estimated 827 feet. The levels and surveys were made on the Juniata by the last year's commissioners.

6. Total distance of the line of the proposed canal, from Pitts-

burg to Harrisburg, (including the portage of nineteen and three quarter miles,) 269 miles, three quarters, and fifty-six rods.

7. Total lockage, from Harrisburg to Pittsburg, 1782 feet, and, allowing seven feet lift to each lock, requiring 220 locks.

*December.*—From a report by the president and managers of the Union canal, it appears, that the works of the company, already accomplished, have cost about \$400,000, and the means applicable thereto, are estimated at 290,703 more. The whole line of the canal will be 74 miles, and unite the Susquehannah with the Schuylkill; and it is estimated that a navigation of 240 days in a year, with only five boats per day, laden with 100 tons, will give an annual product of 25,520—ten boats, and 200 tons 71,040, and so on—fifty boats, daily, 1,000 tons, equal to 355,200, for tolls. The entire canal, it is estimated, will be completed in 1827.

The tolls on the Schuylkill canal, amount to, from \$800 to 1,000 per week.

The legislature met at Harrisburg, on the 5th of this month. Joseph Ritner was elected speaker of the house, on the second ballot, and Alexander Mahon was elected speaker of the senate, on the fourth ballot.

The following bills were reported in the house.

1. To incorporate the Chesapeake and Ohio canal company. This bill gives the assent of Pennsylvania to the act of Virginia, of 27th January, 1824, incorporating the Chesapeake and Ohio canal company, with one exception to its details, and with certain reservations in favor of Pennsylvania, such as the extension of the line of canal to Pittsburg, and with regard to lateral canals, &c. By the act of Virginia, the capital of this company is \$6,000,000; its corporate powers are perpetual, and the canal and all its works are forever exempted from taxation.

2. To incorporate the Tioga Navigation company; capital stock \$125,000. The object, a canal and slack water navigation on the Tioga, and to the coal mines at Peters' camp.

3. To incorporate the Delaware and Susquehannah canal and rail road company. Capital stock 1,400,000. The works to commence at Lackawannock, and proceed to the Delaware water gap and Easton.

4. Wilkesbarre and Delaware central railway company. Capital stock, 1,000,000. To connect by a line from Wilkesbarre to the Delaware water gap.

5. Lackawanna and Susquehannah rail road company. Capital stock 150,000. To connect by a

line from the Susquehannah to the Belmont coal mines.

1826.]—*January*.—The receipts into the treasury during the past year, amounted to \$543,790 29, which, including a balance in the treasury, on the 1st of December, 1824, made a total of 570,373 19.

The expenditures for the year, were \$502,880 05. Balance in the treasury, 67,493 14. The state debt amounted to 1,993,935 28.

According to the annual report of the Schuylkill navigation company, the works are in extent about 108 miles, commencing at the Schuylkill bridge, Philadelphia, and ending at Mount Carbon; of which sixty-two miles are by canals, and forty-six by pools in the river. The number of houses for lock keepers, is sixty-five; the number of locks, below Reading, thirty-six; and above Reading, eighty-four; being, in the whole, 120; seventeen feet wide, by eighty long; of which twenty-eight are guard locks, overcoming a fall of 588 feet.

Twenty-eight dams, making a slack water navigation of forty-six miles. At most of those dams, there is a large surplus of water power that may be sold for manufacturing purposes.

Twenty-three canals, three to four feet deep, by thirty-two to forty feet wide on the top water line, in length sixty-three miles.

Seventeen arched stone aqueducts.

One tunnel, cut through and under a solid rock, 450 feet long.

The rate of toll on coal, from Mount Carbon to Philadelphia, is fixed at six cents per bushel, or one dollar sixty-eight cents a ton.

The whole expenditures of the Schuylkill navigation company, up to the 31st December, 1825, were as follows: paid for improvements \$1,704,948 80; for land 63,405 64; for damages 39,701 73; for interest on loans 80,911 41; in securities 60,548 89—total, 1,949,816 47.—The tolls, rents, &c. produced 20,123 91 during the last year—but the works were only in partial operation.

*February.*—PANAMA MISSION.—The following preamble and resolutions, introduced into the senate of Pennsylvania, by Messrs. Sutherland and M'Ilvaine, were adopted by that body, by a very large majority.

“Whereas, the president of the United States, in his last message, has informed the country, that the republics of the south have invited our government to send representatives to meet them in a congress to be held in Panama; and as, on a recent occasion, the legislature of the state adopted a resolution approbatory of president Monroe, in defence of the cause of liberty in the western hemisphere, thus

manifesting its sympathy with, and deep interest in the establishment of other republics, based like its own, upon the just acknowledgment of the rights of man. Therefore, *resolved*, by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, that the policy of a mission to Panama, comports, in an eminent degree, with the liberal principles of the day, and is calculated not only to foster and protect those who merit our support as friends of freedom, but also, to familiarize our government with the views and resources of a people rising in the majesty of their strength, in the scale of national importance.”

*SCHOOLS.*—In the first school district, which consists of the city and liberties of Philadelphia, there are 3,507 children in regular attendance at the common schools; and those at the Lancasterian swell the amount to 4,144—the whole cost of which is \$22,442 71.

1826.] DELAWARE.

*June.*—The law, which secured to the creditors of deceased persons, residing in the state of Delaware, a preference against creditors residing out of the state, was repealed.

During this year, great progress has been made in the Chesapeake and Delaware canal. About 1,800 men have been employed in this work, of whom about 700 were

placed between the river Delaware and St. George's. Some difficulties have occurred, in consequence of a dispute between the contractor and the company ; and, at one time, the work was temporarily suspended. It, however, was commenced again, and notwithstanding the ground is unfavorable, a speedy completion is promised to the work.

The canal, when completed, will be fourteen miles long, and eight feet deep ; and is intended to serve as a connecting link for sloop navigation between the two bays.

A public college is about to be erected at Newark, in this state, and from the salubrity of the situation, and the cheapness of board, it is expected that it will meet with great encouragement.

In this state, the old party distinctions of federalist and democrat, continue to prevail. At the election which took place in October, 1825, the democratic party prevailed in the counties of Newcastle and Kent. In the other county, the federal party prevailed ; but, in consequence of the change in the majority of one of the former counties, the political character of the legislature was changed for the year 1825 to democratic.

1825.] MARYLAND.

*February.*—The legislature adjourned on Saturday. The "Jew bill," modifying the constitution,

so as to extend political privileges to the Jews, passed the legislature in the lower house, by a vote of twenty-six to twenty-five ; only fifty-one out of eighty members being present. It must, however, be passed by the succeeding legislature, before it can become a law. A law abolishing the imprisonment of *females* for debt, was passed ; as was also a supplement to the usury law, in favor of bona fide holders of negotiable securities.

By the repeal of the proviso of a law of this state, every negro is prohibited from carrying a gun, or keeping a dog.

*June.*—Great ravages were made by the Hessian fly. In the light lands the destruction was complete.

*December.*—The legislature met.

1826.]—*January.*—Dr. Joseph Kent was elected governor of the state. The votes stood for Dr. Kent, 59 ; for Dr. Tyler, 30.

The "Jew bill" was passed by a vote of 45 to 32, and became a law.

Receipts into the treasury for 1825, \$441,083 97 ; expenditures during the year, 334,524 90 ; balance in the treasury, on the 1st January, 1826, 106,459 07.

The legislature passed a canal bill, appropriating \$500,000 to the Chesapeake and Ohio canal ; a like sum to extend it to Baltimore ; a like sum to the Baltimore and



Susquehannah canal ; and 200,000 to improving the navigation of the rivers on the eastern shore.

Colonel E. F. Chambers was elected a United States' senator, to supply the vacancy occasioned by the resignation of Mr. Floyd. The vote was for colonel Chambers, 49 ; for general Reed, 34.

The lotteries actually drawn in Maryland, during the last year, had an aggregate capital of \$1,242,-330.

A mysterious and extensive robbery of the mail, was committed on the 28th of this month, on its passage from Philadelphia to Baltimore. The whole mail from the east, with the exception of the package for Baltimore, was taken out, and the robbery was consequently not discovered until the arrival of the mail at Washington. One of the drivers was arrested, and confessed the crime, and the whole arrangements by which the robbery was committed. It appears, that four persons were concerned, two drivers and two others. On the day of the robbery, the drivers and one of the accomplices sat on the front of the stage, the mail bag being under their feet. They unlocked the portmanteau, cut open the letter bag, and as the stage proceeded, they dropped on the road such letters as they supposed were of value. The fourth accomplice being on horseback be-

hind the stage, took up the dropped letters and put them into a bag provided for the purpose. When approaching a house where the stage stopped, the portmanteau was locked, and all things appeared secure. The whole transaction took place between Philadelphia and Newport.

*March.*—**PENITENTIARY.**—There are 340 persons confined in this institution, of whom 120 were admitted the last year, and 93 discharged, pardoned or have died. Of the number admitted, 37 are white males, 3 white females—57 black males, 23 females—*just two blacks to a white!*

The present nett capital of the institution is \$203,840 18. The profit, for the last year, is 12,347 21. From this latter sum, however, is to be deducted 8,000 paid annually by the state, towards the salaries of the keepers, &c. which leaves a clear gain of nearly \$4,500 for the year.

A bill passed the house of delegates by a majority of one vote, and the senate by a majority of two votes, to alter the constitution so as to do away the executive council, elect the governor by the people, who shall serve three years, and have the appointment of a secretary of state, &c. This proposed amendment must be ratified by the next legislature, before it can take effect.

A bill also passed, providing that



the people, at the next general election, shall express their assent or dissent to a system proposed for the education of youth, in public schools.

A resolution also passed the

house of delegates by a large majority, declaring, that congress is invested by the constitution of the United States, with the power to adopt a general system of internal improvement.

## SOUTHERN STATES.

1825.] VIRGINIA.

*March.*—The legislature passed an act, during its session, which requires the storekeeper of the penitentiary, to deliver, *for the use of the colonists, at Liberia*, on the western coast of Africa, to an agent, who may be authorised by the board of managers of the Richmond and Manchester colonization society, such implements of husbandry, clothing and other necessary articles, manufactured at the penitentiary, as shall be specified by the said board, not exceeding in value the sum of five hundred dollars, to be estimated at the lowest cash price at which such articles are sold in the penitentiary store. This mode of affording aid was suggested by the managers, in their memorial to the general assembly.

The navigation of the Shenandoah, was so far accomplished, as to be in constant use.

*July.*—Eight-seven slaves were emancipated by Mr. David Minge, of Charles city county, and embarked for Hayti, amply supplied with necessaries; and \$1,200 worth

of agricultural implements. Sixty more were liberated by Mr. Charles Crenshaw. They were all he owned. The Rev. Andrew Fletcher also liberated twenty, valued at \$10,000. They constituted nearly all his property.

*August.*—Several mines of copper, tin and zinc of considerable extent, were discovered in Wythe and Grayson counties, in this state.

*December.*—John Tyler was elected governor, in the place of Mr. Pleasants, constitutionally ineligible. The vote was, for Mr. Tyler, 132; for Mr. Floyd, 80.

*SCHOOLS.*—By the returns from ninety-eight counties and towns, it appeared, that 10,226 indigent children were sent to school in those towns and counties, within the year.

1826.]—*January.*—A bill providing for the establishment of a public library was passed in the house of delegates, by a vote of 99 to 78.

A bill was introduced into the legislature, but rejected, repealing the statutory prohibition on a man's marrying two sisters.

The permanent fund of Virginia, for internal improvement, amounts to \$1,418,961—the stocks acquired to the fund, in several improvements, 533,888; which, with two smaller items added, makes the whole fund \$2,003,231 73. The product of it, in dividends on bank stocks, roads and interest on loans was 115,518 94, and the disbursements on account of it 109,186 90, of which 45,548 20 was for the payment of interest on money borrowed for the fund, generally.

Great dissatisfaction has been long felt in this state, at the constitutional apportionment of representation and at the limitation of the right of suffrage. By the constitution of Virginia, each county is entitled to two representatives. At the time when this instrument was adopted, viz: in 1776, there was some equality in the population of the several counties, so that there was no manifest inequality in the representation. In the lapse of time, however, the large western counties have been filled up with settlements, while the eastern counties, with exhausted soil, have become less populous. This change has rendered the principle upon which representatives are apportioned, unjust in practice; and caused the western people, who are in a measure unrepresented, to demand a change in the constitution. They were rendered still

more desirous of the change, by a consideration of the difference in the character of the population of these respective portions of the state. In the eastern part, the inhabitants are divided into two classes, planters and slaves. There are no middle men, no yeomanry. The west was settled by farmers, who tilled the soil with their own hands. The consequence is, that by the limitation of the right of suffrage to freeholders, the political power of the state is vested in the hands of a few planters, who controlled the eastern counties.

These demands on the part of the western counties, have been long resisted, though manifestly proper in themselves, and so consistent with the principles of a free government. In the present legislature, which met in the winter of 1825—6, a bill was introduced authorising the people to call a convention to amend the constitution; but the party in power, after a severe contest, negatived the bill by a vote of 101 to 94.

The same legislature passed, by a vote of 128 to 24, resolutions denying to the federal government, the power to appropriate money to the purposes of internal improvement; and to impose duties for the purpose of encouraging domestic manufactures.

**GOLD.**—Several pieces of gold, one of which was worth near \$100.

were found on the head branches of the Potomac, in Stafford county.

*February.*—A bill authorising Thomas Jefferson to dispose of his estate by lottery, was passed in the house by a vote of 125 to 62, and in the senate 13 to 4 ; but before the object of this law could be accomplished, this patriot was released from the cares of this life.

*June.*—The works executed at Danville, by the Roanoke navigation company are of great importance. The canal from the guard lock, at the upper extremity, to the lock at the basin, is 1200 yards in length, averages 22 feet in width, and 4 feet in depth ; the canal empties into a basin which is sufficiently large to contain from 40 to 50 boats of the ordinary size ; from the basin to the river, 530 feet, the boats are conducted through three locks and two reservoirs—the locks are 80 feet in length, 10 feet wide, with an average lift of 7 feet ; the reservoirs are about 20 feet wide, one of them is 130 feet long, and the other 160. From the guard lock at the upper extremity of the canal, there is a dam extending 450 yards nearly in a line with the canal, and, with the exception of 30 feet, extends from bank to bank, and a few hours work would fill it up, if necessary. These works are completed, and the hands employed on them were about to commence the sluicing

operation above Danville. They will complete the navigation into Albemarle sound. This canal is partly in Virginia and ends in N. Carolina.

1825.] NORTH CAROLINA.

*February.*—A mine of gold was found by a Mr. Barringer, in Cabarrus county.

*April.*—A case of considerable interest was tried at the superior court, in Raleigh, during this month. It was the trial of a young man, called in the indictment, a man of color, (though he had the appearance of a white man, and had a white woman for his wife,) charged with committing a violent assault upon a young white female. The trial occupied the whole day, and if the offence had been satisfactorily proved, the prisoner's life must have paid the forfeit. But the judge, in charging the jury, observed, that no proof had been adduced to show that the prisoner was a man of color within the fourth degree, in descent from African or Indian blood ; and without such proof, he could not be subjected to the penalties of the law in question. The judge left it with the jury to decide, whether the evidence had been sufficient to convince them that the assault had been committed as charged in the indictment. The jury withdrew for a few minutes, and returned a verdict of *Not guilty*.

*December.*—The legislature commenced its annual session.

Another gold mine was discovered three miles above the narrows of the Yadkin river.

A company was formed in the counties of Rowan, Montgomery,

Balance in the treasury, November 1, 1824,

Receipts during the year,

Disbursements, including treasury notes burnt,

Balance, November 1, 1825,

There is one university, and sixty academies in this state.

**CANALS.**—The Dismal Swamp canal is situated between Virginia and North Carolina, and connects the Chesapeake and Albemarle sound, by a cut from Elizabeth river to Pasquotank. It is twenty-two and a half miles long, thirty-eight feet wide at the surface, six feet deep, and is calculated for sloop navigation, admitting vessels to pass through the locks, with sixty or seventy hogsheads of tobacco, or about three hundred barrels of flour, with masts standing.

Rich deposits of limestone and marble were discovered in the eastern part of the state; also, a fine white sand, suitable for making flint glass; and copperas in abundance.

1826.]—*June.*—Another gold mine was discovered in Montgomery county.

Anson, Cabarrus and Mecklenburg, for the purpose of working these mines systematically.

Hutchins G. Burton was elected governor, without opposition.

The following was the state of the treasury.

\$137,041 06

112,229 56

---

249,270 62

135,386 35

---

\$113,884 27

1825.] **SOUTH CAROLINA.**

*August.*—A negro, named William, was burnt alive near Greenville, for the murder of a white man, by the name of Peter Garrison.

*September.*—The canal between the North and Santee rivers, at Charleston, was nearly completed this year. It is sixteen feet wide, and five feet deep.

Twelve thousand dollars per annum are paid by the state to the city of Charleston, for the support of the transient poor.

1826.]—*January.*—The legislature granted \$10,000 for the benefit of the medical college.

The following is a copy of the resolutions of judge Smith, (of the senate of the United States,) which have passed the legislature:—

“ 1. *Resolved*, That congress does not possess the power, under the constitution, to adopt a general

system of internal improvement, as a national measure.

" 2. *Resolved*, That a right to impose and collect taxes does not authorise congress to lay a tax for any other purpose than such as are necessarily embraced in the specific grants of power, and those necessarily implied therein.

" 3. *Resolved*, That congress ought not to exercise a power granted for particular objects, to effect other objects, the right to effect which has never been conceded.

" 4. *Resolved*, That it is an unconstitutional exercise of power on the part of congress, to tax the citizens of one state to make roads and canals for the citizens of another state.

" 5. *Resolved*, That it is an unconstitutional exercise of power on the part of congress to lay duties to protect domestic manufactures."

The resolutions passed the *house* by seventy-three to thirty-eight, and in the *senate*, by twenty-two votes to twenty. Mr. Simkins recorded on the journals a protest against them.

Between twenty and thirty buildings were destroyed by fire in Charleston. Loss estimated at 70 or 80,000 dollars.

*February*.—Three attempts were made to fire Charleston in one night.

*June*.—The contracts for opening the navigation of Black river and Lynche's creek, were completed. The contracts on the first of these streams, provide for its improvement from tide water to Brewinton lake, on the Pocotaligo branch, and to Nelson's lake, on the main branch. These points are six or eight miles above the Sumter district line. When improved, the river will admit of the passage of boats carrying 100 bales of cotton, during the winter and spring months. The contracts on Lynche's creek embrace all that stream from Big Pee Dee to McCullum's ferry, near the Kershaw line. These improvements will admit of the same navigation as on Black river. Boats can now pass out of the mouth of the creek, and when all the works are completed, boats will be able to pass out of the creek, at all times when the state of the water will admit of their passage through the other parts of it. The Wateree river was also cleared of obstructions.

1825.] GEORGIA.

The government of this state was involved, at the commencement of the year, in a controversy with the federal government, in relation to the Indian lands in Georgia. The origin of this controversy has been previously related. (Vide page 42.)

The extent of those lands are contained in the following report from the topographical bureau of the United States, by J. Roberdeau, of the engineer department, on the 10th January last, which makes the quantity of "land in Georgia, not ceded to the United States by Indians, as nearly as could be computed, from a review of former calculations, and the possession of more correct documents than had previously been referred to, 9,537,920 square acres, of which, 5,292,160 were in possession of the Cherokee, and 4,245,760 of the Creeks. The Cherokee country, yet to be ceded to Georgia, is consequently more extensive than the important territory lately acquired from the Creeks, but it is, perhaps, less valuable, as much of the former is mountainous, and not adapted to the production of cotton.

After the Indian spring treaty was concluded, the Creeks resolved to execute M'Intosh, by whom the treaty was made. This execution was performed in the following manner :—

About two hours before day, on Sunday morning, the 1st May, the house of general M'Intosh was surrounded by Menawway and about 100 Oakfuskee warriors.

M'Intosh was within, as likewise were his women and children, and

some white men. Menawway directed an interpreter to request the whites, and the women and children, to come out, as the warriors did not wish to harm them; that general M'Intosh had broken the law that he himself had long since made, and they had come to execute him accordingly. They came out of the house, leaving M'Intosh and Etome Tustenugge, one of his adherents therein. The Indians then set fire to the house; and, as M'Intosh and his comrade attempted to come out at the door, they shot them both down. The same day, about 12 o'clock, they hung Sam Hawkins, a half breed, in the Huckhosseliga square.

On Monday, the 2d May, a party of Hillabee Indians fired on and wounded Ben Hawkins, another half breed, very badly.

The chiefs stated at the time, that no danger whatever was to be apprehended by persons travelling through the nation; that they were friends to the whites, and wished them not to be alarmed by this execution, which was only a compliance with the laws that the great chiefs of the nation made at Pole-Cat spring.

Chilly M'Intosh escaped from the house with the whites, and was not fired at or wounded.

The legislature which was shortly after called together, met at Milledgeville, on the 23d May.

The message sent in by the governor, after stating his views of the controversy, and denouncing vengeance against the Creeks for what he called the massacre of McIntosh and his friends; proceeded to accuse the United States government, of lending its influence to fanatics, in their attempts against the quiet of the southern states. The fate of this accusation has been mentioned at page 46. On the 6th of June, Mr. Lumpkin made a report from the select committee to whom this topic was mentioned, echoing the opinions of the governor, and resolving to stand by their arms, in defence of what they called southern rights.

Another message from governor Troup, followed on the 3d of June, condemning the views entertained by the United States government relative to the treaty, and insisting that the treaty was already executed, and that it was out of the power of the United States to alter it.

This ground was assumed because the president, upon finding that hostilities had broken out among the Creeks, on account of the treaty, resolved to inquire into the causes of the disturbance. An agent was accordingly despatched from the war department, to examine into the truth of the complaint made by the Creeks against the validity of the treaty. After examining witnesses, he reported

that it had been concluded against the will of  $\frac{3}{4}$ ths of the nation; and that the assent of such as had signed it, had been corruptly procured. Under these circumstances, the president determined not to enforce the execution of the treaty against the Creeks. The conclusion of this business will be found at page 45.

In the mean time, a warm correspondence commenced, between governor Troup and Mr. Andrews the special agent of the United States; which was terminated on the part of the governor, by refusing to hold any farther communication with him. A correspondence commenced with general Gaines, the commanding officer of the United States, stationed there for the purpose of preserving tranquillity, was terminated in the same manner.

The legislature having passed a law, distributing the lands embraced within the late treaty, among the inhabitants of the state by means of a lottery, adjourned; and the governor persisted in his intention to cause them to be surveyed. To prevent this step, which would at once have produced hostilities between the Creeks and the whites, the following orders were transmitted from the war department to general Gaines:

“Should governor Troup persevere in sending persons to survey the lands embraced within the treaty, you are hereby authorised



to employ the military to prevent their entrance on the Indian territory ; or if they should succeed in entering the country, to cause them to be arrested, and turn them over to the judicial authority, to be dealt with as the law directs.”

This judicious firmness produced the desired effect. Governor Troup abstained from surveying the lands : tranquillity was maintained, and the business was finally adjusted, so as to satisfy the claims of Georgia, without staining the character of the country.

*October.*—In the mean time, the election for governor took place, and a strong party in the state was found to be opposed, to the violent course of governor Troup. After a very close contest, he succeeded in being re-elected, by a majority of 688, out of 40,000 votes over general Clark ; but a majority of both houses of the new legislature, was opposed to him, and his career was checked by the removal of most of his political friends from all offices in the state government.

This legislature, however, was not inclined to relinquish the treaty made with the Indians ; but its proceedings for the purpose of sustaining it, were marked with greater moderation, than had characterized the course of the governor.

The receipts into the treasury, during the year 1825, amounted to

\$365,582 ; the disbursements to 191,160.

The net balance in the treasury, at the end of the political year, amounted to \$772,421 ; of which, upwards of 440,000 are uncurrent notes of the Darien bank.

Among the acts of the legislature was one for erecting a board of public works, and providing for the commencement of a system of internal improvement ; the act authorising a canal from the Savannah river to the Alatamaha ; the act incorporating the Mexico Atlantic company ; the act to lay out a central canal or railway, through the state ; the act extending the time to fortunate drawers in the land lotteries of 1818, '19, and '21 ; the act incorporating the Macon bank ; the act granting *banking* privileges to the Fire and Marine Insurance Company of Savannah ; the act to regulate the licensing of physicians to practice physic in the state. The route for the Savannah and Alatamaha canal, has been surveyed, and the estimate for its completion is \$642,676. It will be sixty-six miles long.

Five new counties were made during the session—the whole number now is sixty-five.

1825.] ALABAMA.

*May.*—The building at Washington court-house, containing the post office, the office of the clerk of the county court, with the public



weights and measures, was, (with the most of its contents,) destroyed by fire.

*December.*—Joint resolutions were reported in the Alabama legislature, requesting the senators and representatives from that state, “to use their best exertions to obtain, on reasonable terms, from the United States, a grant to the corporation of the city of Mobile, for the benefit of the inhabitants of the said city, of four contiguous sections of public land on Spring hill, near the said city, or the quantity contained in four sections, on which to build a summer town, or place of retreat for health.”

The legislature of Alabama has appropriated \$10,000 to defray the expenses of obtaining surveys, plans and estimates for the following works:—

1st. A canal to connect the Tennessee and Coosa rivers.

2d. For improving the navigation of the Tennessee, Coosa, Tombecbe and Tuscaloosa, the Connechuh and Cahawba rivers.

3d. For improving one or both of the passes, at Mobile.

An act was passed, during the present session of the legislature of the state, for removing the seat of government from Cahawba to Tuscaloosa.

During this year, the caterpillar made great destruction in the cotton plantations.

1826.]—*February.*—**DUELLING.**  
—An act to suppress the barbarous practice of duelling, passed the legislature of this state at this session. It enjoins, that an oath shall be administered to, and subscribed by, the members of the general assembly, counsellors and attorneys at law, and all officers and public functionaries, either civil or military, before they enter upon the duties of their stations, that they have neither directly nor indirectly given, accepted or knowingly carried a challenge, in writing or otherwise, to any person, being a citizen of that state: or aided or abetted in the same, since January 1, 1826; and farther, that they will neither directly nor indirectly, give, accept, or knowingly carry a challenge to any person during their continuance in the discharge of any public function.

*March.*—The trustees of the university of this state, made a report, by which it appeared, that 12,718 acres of land belonging to that institution, have been sold, producing, with interest and rents, the sum of \$276,956 17. There remains yet for sale, 33,361 acres; and it is supposed the aggregate produced by the whole, will exceed \$750,000.

The condition of the state bank of Alabama, was as follows:—capital stock \$253,646; notes in circulation 273,507: individual depo-

sites 164,735, with expenses, &c. making 701,684. On the other side, notes discounted 448,859; specie 141,330; notes of other banks 109,210; banking house 1,119; due by other banks 1165—\$701,684.

1825.] MISSISSIPPI.

*November.*—Powhattan Ellis, was appointed by the governor of this state, a senator of the United States, in the place of David Holmes, resigned.

1826.]—*February.*—Thomas B. Reed was elected in the place of Mr. Ellis. The contest was very close. The vote was *tied* several days, but Mr. Reed at length obtained a majority.

*March.*—A horrible affair took place near Woodville, on the 2d of the present month. An *African* slave, belonging to a Mr. Carson, had several times run away, but was brought back; at last, he left his owner with a determination not to be retaken. He was pursued by Mr. Carson and a friend, and found at a neighboring house, and they shut the doors to prevent his escape, but the African seized an axe, knocked down his master with it, and thought he had killed him, and then broke open the doors with the instrument in his hand. He returned to the house of his master, and there, while Mrs. Carson was in bed and asleep, he, with the same axe, broke her skull into

many pieces—and she never spoke afterwards, though she breathed a few hours. The negro then escaped and was pursued—he was fired upon and shot in the head.

1825.] LOUISIANA.

*February.*—The following preamble and resolutions were passed by the legislature:

“Whereas, the expression of national gratitude is the highest reward, which can be bestowed on a citizen who retires from public life, after having served his country in the highest office—Therefore, be it

“*Resolved*, by the senate and house of representatives of the state of Louisiana, in general assembly convened, That the legislature of this state entertain the highest veneration for James Monroe, who, by his administration of government, has preserved the purity of our republican institutions, and the honor of the nation abroad.

“*Resolved*, That he is entitled to the gratitude of the people of this state, both for the share he had in effecting the union of Louisiana with the American confederacy, and as chief magistrate of the union, by his integrity, talents and virtue.

“*Resolved*, That the governor of the state be requested to forward these resolutions, to James Monroe, president of the United States.”

**July.**—The bones of an animal of immense size, and apparently belonging to some unknown species, were exhibited at New Orleans. They were found on a small bayou, leading from the Mississippi, about twenty miles below fort St. Philip, and immediately on the sea shore. The following is a description of them. A horn, eighteen feet long, and weighing 1,000lbs. ; a branch of a horn, nine feet long, and weighing 150lbs ; seven joints of the back bone ; one joint of the tail ; and two joints of the leg.

1826.]—**February.**—An act was passed, during the session of the legislature, prohibiting the farther introduction into the state of slaves for sale. The following is an abstract of the act :

“**SEC. 1.** No person shall, after the 1st day of June, 1826, bring into this state, any slave, with the intent to sell or hire the same, under the penalty of being punished by imprisonment, not exceeding two years, and fined not exceeding one thousand dollars, and moreover shall forfeit the said slave or slaves.

“**SEC. 2.** That hereafter any person who has a *bona fide* intention to emigrate to this state, with a view to become an inhabitant thereof, shall be allowed to bring with them their slaves, and employ the same within the limits of the state : provided, that any slaves so brought in by an emigrant, shall

not be sold or exchanged for the term of two years from the time they were brought into the state, under a penalty of a forfeiture of the slaves so sold.

“**SEC. 3.** Any *bona fide* citizen of this state, shall be allowed to bring therein and employ any slaves of which he may be the lawful owner ; provided that any slaves brought into this state by any citizen thereof, under the provisions of this section, shall not be sold or exchanged until after said slaves have been two years within the state, under the penalty of forfeiting the aforesaid slaves.

“**SEC. 4.** Any slave or slaves, brought into this state in contravention of any of the provisions of this act, shall, after due condemnation, by any court of competent jurisdiction, be sold after ten day's notice by the sheriff of the parish in which said slaves have been condemned, and the nett proceeds of said slaves, when sold, shall be paid over, one fourth to the informer or informers, and the other three fourths to the treasurer of the state.”

**March.**—A case of rather a novel nature occurred before the criminal court in New Orleans. During the trial of a criminal some days preceding, or rather in passing sentence upon him, the judge had occasion to make some severe observations on the conduct of two

members of the bar, in regard to the prisoner, before his trial. The same afternoon, one of them (Mr. Lloyd) met the judge in the upper fauxbourg, and accosted him in abusive and menacing language. On Thursday, the judge issued his warrant against him, and he was lodged in prison during that night. The day following, he was brought

before the court, and after hearing a variety of testimony in relation to the conversation between him and the judge, he was ordered to find security to keep the peace during one year, in two sureties for one thousand dollars each, and to be committed till he find such sureties. He was accordingly conducted to prison.

### WESTERN STATES.

#### 1825.] TENNESSEE.

*August.*—General Carroll was re-elected governor without opposition.

During the month of June, a correspondence was opened between governor Carroll, and governor Troup, of Georgia, on the subject of a canal, connecting the waters of Hiwassee with those of Coosa, and also the practicability of a canal around Muscle shoals in the Tennessee, and through what is called the Tennessee valley, on the south side of said river. The following questions were proposed by governor Carroll:—

1st. Is it probable that Georgia would co-operate with Tennessee in making the canal spoken of?

2d. Have you any correct information of the probable expense of completing a canal from Hiwassee to Coosa?

3d. Have you any knowledge of

the ground through which a canal would have to be cut; the quantity of water that may be commanded with convenience, and the practicability of the plan? Do you know of a skilful engineer who could be procured to make the necessary examination of the ground? Is it likely that Georgia would take any interest in the canal around the Muscle shoals, or would she give her aid to the enterprise?

Governor Troup, in his reply, says, "This government will cheerfully unite with that of the state of Tennessee, in devising and carrying into effect measures for uniting the waters of Tennessee with those of Georgia, which empty into the Atlantic. It is not presumed that Tennessee would choose to pass into the gulf of Mexico, if a way could be opened for her to the Atlantic. *Of the practicability of this, there is not the least doubt.*"

*September.*—The legislature met. R. C. Foster was chosen speaker of the senate, and William Brady speaker of the house.

*October.*—General Jackson resigned his seat in the senate of the United States, and was nominated as a candidate for the presidency by the legislature. Hugh L. White was elected, without opposition, in the place of general Jackson to the senate.

1826.]—*May.*—On the first of this month, the seat of government was removed from Murfreesborough to Nashville, in which town the future meetings of the legislature will be held.

#### 1825.] KENTUCKY.

The judiciary of this state has been for some years in an unfortunate condition, and the citizens and the legislature have been divided with respect to two courts, each of which assume to be the supreme and final legal tribunal of the state.

This contest had its origin in the pecuniary difficulties in which its citizens involved themselves shortly after the late war with England, and in the injudicious legislative measures adopted for their relief.

Upon the conclusion of the war, the western merchants finding it easy to obtain credit, in the Atlantic states, purchased larger quantities of foreign manufactures and produce, than the consumers required, and beyond their means of

payment. To enable the merchants and farmers, who had become indebted to them, to comply with their engagements, the legislature authorised a bank, which only aggravated the mischief, by procrastinating the time of final payment, and thus encouraging the spirit of extravagant speculation. The inefficacy of this palliative having appeared, the legislature was induced to try new remedies for distress, which, although extreme, could only be relieved by economy and industry. Laws were enacted, delaying the return of executions for two years. At the end of that term, the property was to be appraised, and the judgment creditor was compelled to take it at three fourths of its appraised value, or to relinquish the benefit of his execution. Debtors were, also, invested with the power to designate the property, upon which the execution was to be first levied, and judgment creditors might be thus sent to levy on land in a distant county, of little or no value. These laws constituted what was called the relief system.

The constitutionality of these laws was denied, and the supreme court of appeals, in Kentucky, when the question was presented for its decision, declared them to be in violation of that clause of the constitution of the United States, which prohibits the passage of "any

law impairing the obligation of contracts."

This decision caused much excitement against that tribunal, and this anti-judicial feeling was not a little augmented by a decision of the supreme court of the United States, which declared certain laws of the state of Kentucky, in favor of occupying claimants, to be in violation of the original compact between that state and Virginia, and, consequently, unconstitutional and void. Governor Adair, in his message to the legislature, in November, 1823, called the attention of that body to these decisions, and recommended that measures should be taken to vindicate the rights of the people of the state against judicial usurpation.

In the legislature, however, it was discovered that a strong party disapproved of the opinions of the governor, and were disposed to support the judicial decisions.

A proposition to call a convention, to alter the constitution of the state, and, especially, in reference to the judiciary, was lost in the senate, that body being equally divided.

In the house, Mr. Rowan introduced resolutions, protesting against the decision of the supreme court of the United States, as subversive of the dearest rights of the people, and declaring the decision of the court of appeals to

be erroneous, and that it is the right of the legislature, and not of the judiciary, to *repeal* any existing law. These resolutions passed by an average vote of fifty-five to forty.

Another resolution, to prevent the issuing of any executions, except under the relief laws, was rejected; and another, recommending a memorial to the congress of the United States, against the decision of the supreme court of the United States, was withdrawn.

The next year, Joseph Desha was elected governor, by a majority of 8211 over Mr. Tompkins, who was the anti-relief candidate: and a majority of the new representatives elected to the state legislature, was in favor of the relief system! In order most effectually to support that system, a law was passed re-organizing the court of appeals, and four judges were appointed constituting this new court. The judges who were thus removed by the re-organization of the court, had been appointed during good behaviour; and as they were not deemed to be constitutionally removed, they determined to resist this attempt to legislate them out of office. The new court party took efficient measures to place their judges in possession of all the insignia of authority. In pursuance of a resolution of this legislature, the office of the clerk of the old court was forcibly entered, and the re-

records and papers taken therefrom and placed in the custody of the new court.

The old court however continued to meet at its stated terms, but being deprived of its records, did not transact any business. The new court also went into operation, and the singular spectacle was presented in Kentucky, of two courts, each claiming to be the tribunal for the ultimate decision of all legal questions arising in the inferior state courts.

These circumstances produced great excitement among the people; and parties in the state were formed upon the express ground of supporting or opposing the old court of appeals. In the elections which took place in the summer of 1825, after one of the most arduous political contests ever exhibited in this country, the "old court" party succeeded in returning to the house of representatives more than three-fifths of the whole number; and 5 out of 9 of the senators who were then elected, were also in favor of the old court; but a small majority of those who had been previously elected, was in favor of the new court; and thus the efforts of the more popular branch to restore the judiciary to its former state, were rendered nugatory by the opposition in the senate.

The governor also coincided in the views entertained by the majority of the senate, and even intimated his determination to put

down the opposition of the old court by force.

In his message to the legislature, he entered into the history of the relief system; defended its policy; condemned the course pursued by the state and federal courts; and imputed the evils which had befallen the state, to the establishment of the United States bank on one hand, and to judicial encroachment on the other.

In the house of representatives resolutions were introduced by Mr. Breckenridge, calling upon the governor for information in relation to these charges against the bank and the judiciary. These resolutions were passed by a large majority; and upon their being transmitted to the executive, he made a long and elaborate reply for the purpose of substantiating his accusations.

The house also passed a law abolishing the new court of appeals; but the senate, by a small majority, refused its concurrence to this law so essential to the quiet of the state; and the legislature of 1825, adjourned without settling the controversy at that session.

During that session, in consequence of an attempt to obtain possession of some records in the hands of the clerk of the new court, this party feeling was on the point of breaking out into open violence. Arms were provided and preparations made to resist the officer of the old court; and by the report



of the committee of the house of representatives, it appeared that persons high in authority were concerned in making these preparations.

Although these violent measures prevented the old court from taking possession of its records, it now appeared from the elections, that public opinion was decidedly in favor of that tribunal, as the constitutional court. The public mind had now recovered its proper tone, and the delusion of the moment was succeeded by a sober determination to restore order, and a sound system of laws. These indications of popular feeling, induced the judges of the new court, to retire from the contest ; and the old court commenced its ordinary course of business.

At the next election, in 1826, the old court party succeeded in obtaining a majority in the senate, as well as in the house ; and the law creating the new court of appeals, was formally repealed. In the mean time, the chief justice of the old court had resigned, and governor Desha filled the vacancy by placing on the bench of the old court, Mr. Bibb, the chief justice of the court, which had been just abolished.

Harmony was thus re-established, and law which had for a short time been driven from the judgment seat, by passion and violence, resumed her sway over the state of Kentucky.

A company was incorporated

with liberal privileges, for making a canal round the falls of the Ohio, at Louisville. An engineer was appointed to survey a route for the canal, and the estimate for the work with two locks was not exceeding \$500,000. A large subscription was made to the stock, and the work was expected to be completed in 1827.

1825.]—*November 9.*—The following account of the assassination of colonel Sharp, is taken from the Kentucky papers :—About two o'clock on Sunday night last, colonel Solomon P. Sharp was awakened by a knocking at his door, and on inquiring who was there, was answered that it was Covington. His wife observed it was not Covington's voice, and advised him not to rise. He, however, got up, and the stranger informed him that he had come in town late, and could not get a bed at any of the taverns, and solicited lodging for the night. Colonel Sharp told him he should have a bed, and opened the door. The assassin entered, and passed with colonel Sharp by the door of Mrs. Sharp's room. He then asked, "are you colonel Sharp?" The colonel answered in the affirmative. The assassin then said, "my name is John A. Covington." Colonel Sharp replied, "I do not know you." The assassin said, "damn you, you shall soon know me," and plunged the fatal weapon into his body. Mrs. Sharp heard her hus-



band fall and groan, and springing from her bed, alarmed the family. He was found lying upon his face, near the spot where the blow had been struck, gasping for breath. Colonel Sharp never spoke, and in about ten minutes expired. The murderer escaped at the door by which he entered. A bloody neck handkerchief, with two holes through it, was found near the door.

Great excitement was produced among all classes, by this deliberate assassination. As great warmth had been manifested by both parties, and as colonel Sharp was a leader of the relief party, insinuations were made, that political considerations might have actuated the assassin. This suspicion, however, was entirely done away, by the discovery and apprehension of the murderer, one Beauchamp.

This man had married Ann, a woman who had been seduced in early life by colonel Sharp. This story was denied by his relatives, and was called by them a fabrication. Whatever may be the truth, as to this, it is certain, that actuated by a desire to revenge herself upon colonel Sharp, she instigated Beauchamp to take his life. After deliberately making his preparations, he perpetrated this murder in the horrid manner related above.

On his trial, the guilt was conclusively proved, and he was sentenced to be executed the 7th July, 1826.

During the trial of Beauchamp, his wife was brought to Frankfort, charged with being accessory to his crime; and committed to prison with him. She was examined, and *acquitted*; but, at her own solicitation, and his, was permitted to return to his cell, where she remained until the day of his execution. They both constantly held out the idea that they were to die together; and apprehensions that they would make attempts upon their own lives, being entertained, a guard was placed in the room with them, to prevent any improper conduct. They were, however, in possession of a bottle of laudanum, and on Thursday night previous to the execution, took each a large dose—so large, that it operated as an *emetic*; and failed to produce the effect which they expected.

In the course of the forenoon, they told the guards, that, as his last hour was approaching, they wished a few moments private conversation, and begged the guard to retire. The request seemed reasonable and the guards retired. They presently heard some noise, and returning, found that Mrs. Beauchamp had been stabbed in the left breast, with a butcher-knife—and Beauchamp had inflicted some wounds upon himself; not, however, either mortal or dangerous. Mrs. Beauchamp's wound *was mortal*: she lived but an hour or two.

Whether she died by her own hand, or by that of her husband, we have not been able to ascertain with certainty. It is said, that his account was, that she herself inflicted the wound, and that, when he attempted to stab himself, she caught his arm, and prevented him from doing it effectually.

Mrs. Beauchamp was removed to a room of the jailor's house. She was anxious to see her husband. He was brought in. She had become speechless, perhaps insensible. He was placed at her side upon the bed. He placed one hand upon her forehead—with the other held her pulse until she expired. Then, "farewell," said he, "farewell, child of sorrow! Farewell, child of persecution and misfortune! For thee I have lived, for thee I die!"—Twice he embraced her, and was then removed to the place of his execution. He met his fate with great firmness, or rather indifference.

Thus ended one of the most extraordinary tragedies ever witnessed in any country, and exhibiting a strange combination of depravity, and the strongest attachment and personal devotion.

1825.] OHIO.

The legislature of this state, animated by the example of New York, has commenced the work of internal improvement, on an extensive scale.

The following account of the canals authorised, is taken from the Columbus Gazette.

The Ohio canal, as located and established by the general assembly, is about 300 miles in length, extending from the Ohio river, along the great Scioto valley, northwardly, until it approaches within about ten miles of Columbus, the seat of the state government, with which it is to be connected by a navigable feeder; then, leaving the Scioto valley, it passes in a north easterly direction, across the country to the Muskingum river; thence, up that river, and along the valley of one of its branches, crossing the summit between its head waters, and those which fall into the lake, and continuing a northwardly direction down the valley of one of the latter streams to lake Erie.

This canal will unite, by a navigable communication, the waters of the Ohio, Mississippi, Missouri, and their tributaries, with the great lakes. The former affording a steam boat navigation of 5,000 miles, now navigated by eighty steam boats, communicating with the gulf of Mexico and the West Indies: and the latter presenting an uninterrupted sloop or ship navigation, of 1,200 miles, connected with the gulf of St. Lawrence, by the river of that name, and with the Hudson river, and city of New York, by means

of the Erie canal. The Ohio canal may be considered as the last grand link in a chain of internal navigation, extending from New Orleans to New York.

The Ohio canal also passes through a region, on the Muskingum and its branches, abounding in coal of an excellent quality, and which may be procured with the greatest ease. This mineral has no where been found in the extensive country bordering on the lake, in the western part of the rich and populous state of New York, nor in the extensive and fertile valley of the Scioto. Almost every acre in these regions, destitute of coal, is susceptible of cultivation ; and fuel, at no distant day, will become scarce and valuable. Inexhaustible quarries of gypsum are found on the bays and islands of lakes Erie and Huron, and in the western part of New York. This, on the contrary, has never been found in the interior in the state of Ohio. An extensive, profitable and highly advantageous commerce, in these articles, will unquestionably be carried on through the Ohio canal, in a few years after its completion.

The Miami canal from Cincinnati to Dayton, which is about sixty-seven miles in length, is located through a country not surpassed in fertility, by any on the globe, and will become the channel of an extensive trade, which, with the hy-

draulic power created by its construction, cannot fail to make it profitable to the state, as well as highly advantageous to the country through which it passes.

The Ohio canal is estimated to cost about \$3,000,000. The estimates have been made with the greatest care, from accurate surveys, and may be relied on as correct. The general government has assigned 100,000 acres of the public land to facilitate the completion of this canal.

*May.*—Contracts were made for the greatest portion of the canal to Cleveland, and on the 4th of July the ground was broken by governors Morris and Clinton, of New York, who, with the president of the canal board of that state, general Stephen Van Rensselaer, was invited to witness the ceremony. Great progress was made in the execution of this work in the course of the year, and it was expected that part of the canal would be in readiness for the navigation of boats the ensuing autumn.

In exploring the route for the canal water line, in the county of Tuscarawas, inexhaustible quarries of free stone were discovered.

The returns of the militia of this state for 1825, show an aggregate of 99,865.

*September.*—ANTIQUITIES.—The Hamilton Advertiser, of the 6th instant, says, that a few days pre-

vious, a skull, and other remains of a human being, in a state of decay, were dug up by the workmen employed in excavating the Miami canal, a short distance from that place. Under the head, as near as could be ascertained, were deposited a number of Indian implements of warfare; among which were the following: fifteen arrow-heads of flint, such as the Indians of this country formerly used, of different dimensions—from four to eight inches in length; a tomahawk, or hatchet, of the hardest granite, curiously wrought; and three or four plates of slate-stone, from two to four inches in breadth, and from five to seven in length. The use which was made of the latter articles is difficult to conjecture. From their peculiar formation, some have supposed they were

worn as breast-plates by the Indian warriors; but this appears to be rather an improbable conjecture—for, it seems reasonable to suppose, that a more durable description of stone would have been selected for such a purpose. They were embedded in a stratum of tough blue clay, four feet from the surface; and, from the extreme state of decay in which the bones were found, it is highly probable that they have been buried a great number of years.

The valuation of the several counties of this state is published. We do not know all the principles upon which it is made, and hence cannot form an opinion how far the estimates approach the real values of the several kinds of property referred to. The following are the totals :—

15,174,186 acres of land,	\$37,244,495
Value of houses, (number not given,)	1,549,889
———town property,	7,188,198
138,074 horses,	5,517,810
274,689 neat cattle,	2,201,083
Merchants capital,	5,202,400
Carriages,	20,885

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Grand total, \$58,924,770

1826.]—In the legislature of this state, a novel case occurred, with respect to the eligibility of James B. Gardiner to the office of representative. Previous to his election, he had expressed his determination to reduce the pay of members to

\$2 per diem, or to deposit the excess in the county treasury. This was adjudged by the assembly to be a violation of the constitution, which declares, that any person giving or promising, directly or indirectly, any reward to be elected.

shall be rendered incapable for two years to serve in the office for which he was elected, and Mr. Gardiner declared disqualified to serve. The people returned him a second time, and the assembly again declared him disqualified.

Receipts of the treasury from November 25, 1825, to

January 23, 1826,

\$95,914

Estimated receipts for the residue of the year,

20,679

Balance in the treasury November 5th,

34,325

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\$150,918

Ordinary expenditures estimated at

83,500

Military school fund, loaned for the use of the Miami

and western reserve road,

13,788

Amount appropriated for interest of canal loans,

30,000

1825.] INDIANA.

*May.*—An old man by the name of Samuel Fields, aged 86, was convicted of murder, and sentenced to be executed. He was pardoned after ascending the gallows.

*August.*—James B. Ray, a self-nominated candidate, was elected governor.

*September.*—The amount of taxes assessed for state purposes for the year 1825, was \$32,757 14. The polls were 30,828, being an increase of 2,488 over last year.

1826.]—*January.*—The common school lands in this state consist of 608,222 acres, which at \$2 per acre, would produce a fund of \$1,216,444. There are also 40,960 acres of college lands belonging to the state.

Sulphate of magnesia is so abundant in a cave near Corydon, in Indiana, that it is carried away by the wagon load. It sometimes ap-

pears in masses weighing 10 pounds, and a bushel of the earth of the cavern yields from 4 to 25 lbs. of the salt. Epsom salt is also found in the mammoth cave in Kentucky.

*April.*—Some young men belonging to Crawford, in this state, being apprised of the existence of a rattlesnake's den, went out and killed on the first day 95 of the largest class. On the following morning, they destroyed 55 more; one of them had 23 rattles.

1825.] ILLINOIS.

*November.*—Four routes to unite the waters of lake Michigan with those of Illinois river, were partially surveyed. It was found that the lake was 157 feet 11 inches higher than the Illinois, at the mouth of the Little Vermillion River, the contemplated point of junction. The cost of the canal, as estimated for the different routes, was the

lowest \$639,542, the highest \$716,110.

An act was passed by the legislature incorporating a company with a capital of \$1,000,000.

The receipts at the treasury during the year, amounted to \$38,304

Balance at the commencement of the year, 38,556 73

Aggregate amount in the treasury, 76,860 73

The demands on the treasury were, 107,782 12

Deficit, 30,921 39

The present population of this state, ascertained by census just taken, is 67,656—by the United States' census in 1820, it was 53,788; increase in 5 years 13,868, or at the rate of twenty-five per cent.

1825.] MISSOURI.

*February.*—A bill to prevent duelling, and annexing to that offence, the punishment of whipping, was passed by both houses of the legislature. This bill the governor returned, with objections, at the same time expressing, in the following terms, his opinion regarding the practice itself:

"I am happy on this occasion to record my utter detestation and abhorrence of duelling. My duty to my neighbors, and to myself, would compel me, in my private as in my public capacity, to discountenance and put down if possible, so barbarous and so impious a practice."

The bill, thus returned by the governor, was re-considered and again passed in the senate by the requisite majority of two thirds of

1826.]—*January* 7.—\$21,000, of the state (paper) currency was burnt during this month at Grandalia, in the presence of the governor, &c.

that body; but it failed to receive a like majority in the house of representatives, and it, therefore, did not become a law.

*October.*—45 lead mines are worked in this state. They have heretofore yielded on an average four million pounds of lead per annum. During the present year, they yielded about ten millions.

General Atkinson, major O'Fallon, and others attached to the expedition, arrived at St. Louis from Two Thousand Mile Creek, which empties into the Missouri. The objects of this expedition, for conciliating the Indians and the protection of the fur trade, were accomplished. Treaties, mainly for the preservation of peace, were made with seventeen tribes. Rich cargoes of furs were descending the river.

The commissioners appointed to mark a road from Missouri to the confines of New Mexico, and for treating with the Indian tribes on its route, have completed the survey to the boundary line of the ter-

territory of the United States. From what is said in the papers, it would seem that a road may be more easily made than was expected, and that there is only about thirty miles of it that must forever be scarce of wood and water. Buffalo odure, however, is used instead of the former, and there are pools of standing water that may be used in the absence of springs or running streams. The commissioners waited for some time that liberty might be obtained to continue the line of the road within the Mexican territory—but it not being probable that authority for it could be had before next spring, they were on their return home.

In an account of a party met by

the road commissioners, returning from Santa Fe with \$18,750 in silver and gold, beaver skins worth \$10,000 and 416 mules, 25 jacks and jennets, and 189 horses, valued at 15,700, in all \$44,679—we observe the following paragraph: “The party lost about 100 head of stock on the Arkansas, having taken fright at the buffalo. It is a curious fact, that when horses take fright at the herds of buffalo that run by them, they universally run with them, and not from them.”

1826]—*January*—General Miller was elected governor. There were three candidates: the result was as follows:

For Miller, 2,380; Carr, 1,470: Todd, 1,113.

# EXECUTIVE OFFICERS,

## OF THE UNITED STATES OF AMERICA.

	NATIVITY.	SALARY.
John Quincy Adams, President of the U. S.	Mass.	\$25,000
John C. Calhoun, Vice President,	S. C.	5,000
Henry Clay, Secretary of State,	Va.	6,000
Richard Rush, Secretary of Treasury,	Penn.	6,000
James Barbour, Secretary of War,	Va.	6,000
Samuel L. Southard, Secretary of Navy,	N. J.	6,000
William Wirt, Attorney General,	Md.	3,500
John McLean, Post Master General,	N. J.	4,000
John Marshall, Chief Justice,	Va.	5,000
Bushrod Washington, Assistant Justice,	Va.	4,500
William Johnson, do do	S. C.	4,500
Thomas Todd, (dec'd) do do	Va.	4,500
Gabriel Duvall, do do	Md.	4,500
Joseph Story, do do	Mass.	4,500
Smith Thompson, do do	N. Y.	4,200

## DIPLOMATIC CORPS.

### *To the Congress at PANAMA.*

John Sergeant, Envoy Extraordinary and Minister Plenipotentiary,	Penn.	9,000
Richard C. Anderson, (dec'd) Envoy &c.	Va.	9,000
Joel R. Poinsett, Envoy &c.	S. C.	9,000
William B. Rochester, Secretary of Legation,	Md.	2,000

### *To the united kingdom of GREAT BRITAIN and IRELAND.*

Rufus King, (resigned) Envoy Extraordinary and Minister Plenipotentiary,	Mass.	9,000
John A. King, (resigned) Secretary of Legation,	N. Y.	2,000



# DIPLOMATIC CORPS.

363

	NATIVITY.	SALARY.
Albert Gallatin, Envoy &c.	Geneva.	9,000
William B. Lawrence, Secretary of Legation,	N. Y.	2,000
<i>To the kingdom of FRANCE.</i>		
James Brown, Envoy Extraordinary and Minister Plenipotentiary,	Va.	9,000
Daniel Sheldon, Secretary of Legation,	Conn.	2,000
<i>To the empire of RUSSIA.</i>		
Henry Middleton, Envoy Extraordinary and Minister Plenipotentiary,	S. C.	9,000
Charles Pinkney, Secretary of Legation,	Md.	2,000
<i>To the kingdom of SPAIN.</i>		
Alexander H. Everett, Envoy Extraordinary and Minister Plenipotentiary,	Mass.	9,000
John Adams Smith, Secretary of Legation,	N. Y.	2,000
<i>To the UNITED MEXICAN STATES.</i>		
Joel R. Poinsett, Envoy Extraordinary and Minister Plenipotentiary,	S. C.	9,000
John Mason, jr. Secretary of Legation,	Md.	2,000
<i>To the republic of COLOMBIA.</i>		
Richard C. Anderson, (dec'd) Minister Plenipotentiary,	Va.	9,000
Beaufort T. Watts, Secretary of Legation,	S. C.	2,000
<i>To the government of CHILI.</i>		
Heman Allen, Minister Plenipotentiary,	Vt.	9,000
Samuel Larned, Secretary of Legation,	R. I.	2,000
<i>To the united kingdom of the NETHERLANDS.</i>		
Christopher Hughes, Chargé d' Affaires,	Md.	4,500
<i>To the kingdom of SWEDEN.</i>		
William C. Somerville, (dec'd) Chargé d' Affaires,	Md.	4,500
John J. Appleton, Chargé d' Affaires,	Mass.	4,500
<i>To the kingdom of PORTUGAL.</i>		
Thomas L. L. Brent, Chargé d' Affaires,	Va.	4,500
<i>To the empire of BRAZIL.</i>		
Condy Raguet, Chargé d' Affaires,	Penn.	4,500
<i>To the republic of BUENOS AYRES.</i>		
John M. Forbes, Chargé d' Affaires,	Florida.	4,500
<i>To the CENTRAL REPUBLIC OF AMERICA.</i>		
William Miller, Chargé d' Affaires,	N. C.	4,500

## ARMY PROMOTIONS.

Washington, March 8, 1825.

**GEORGE BOWFORD**, lieutenant colonel of the 1st regiment of artillery, 9th February, 1815, to be colonel by brevet, to rank 9th February, 1825, for 10 years faithful service, in same grade.

**A. R. WOOLLEY**, major 6th regiment of infantry, 9th February, 1815, to be lieutenant colonel by brevet, to rank 9th February, 1825, for 10 years faithful service, in same grade.

**WILLIAM WADE**, captain 4th regiment artillery, 9th February, 1815, to be major by brevet, to rank 9th February, 1825, for 10 years faithful service, in same grade.

**R. E. DE RUSSEY**, captain corps of engineers, 9th February, 1815, to be major by brevet, to rank 9th February, 1825, for 10 years faithful service, in same grade.

## APPOINTMENTS.

Brigadier lieutenant colonel **ROGER JONES**, captain of the 3d artillery, to be adjutant general 7th March, 1825.

Washington, July 11, 1825.

*Third Regiment of Artillery.*

1st lieutenant **JOSEPH P. TAYLOR**, to be captain 6th July, 1825, vice Stockton, resigned.

*Fourth Regiment of Artillery.*

1st lieutenant **JOHN MUNROE**, to be captain 2d March, 1825, vice Morris, deceased.

1st lieutenant **JAC SCHMUCK**, to be captain 11th April, 1825, vice Bell, deceased.

*First Regiment of Infantry.*

Brevet major **DAVID E. TWIGGS**, captain, to be major 14th May, 1825, vice Whartenby, deceased.

1st lieutenant **W. S. HARNEY**, to be captain 14th May, 1825, vice Twiggs, promoted.

*Fourth Regiment of Infantry.*

1st lieutenant **JEREMIAH YANCEY**, to be captain 31st of May, 1825, vice Dulany, resigned.

*Sixth Regiment of Infantry.*

1st lieutenant **JACOB BROWN**, to be captain 7th of April, 1825, vice Larrabee, resigned.

## APPOINTMENTS.

**ROBERT ARCHER**, assistant surgeon, to be surgeon 9th of May, 1825.

**ALFRED W. ELWES**, Md. to be assistant surgeon 9th of May, 1825.

**ROBERT C. WOOD**, R. I. to be assistant surgeon 28th of May, 1825.

**LAWRENCE SPRAGUE**, Me. to be assistant surgeon 22d June, 1825.

**J. B. F. RUSSELL**, lieutenant 5th infantry, to be assistant commissary of subsistence 27th May, 1825.

**ANTHONY DRANE**, lieutenant 5th infantry, to be assistant commissary of subsistence 8th June, 1825.

**HUGH P. WELCH**, lieutenant 1st artillery, to be assistant commissary of subsistence 13th June, 1825.

DAVID BROOKS, lieutenant 2d infantry, to be assistant commissary of subsistence 8th July, 1825.

H. I. FELTUS, lieutenant 1st artillery, to be assistant commissary of subsistence 8th July, 1825.

Washington, Sept. 26, 1825.

*First Regiment of Artillery.*

1st lieutenant NATHANIEL G. DANA, to be captain 15th September, 1825, vice Crane, promoted.

*Third Regiment of Artillery.*

1st lieutenant JOHN A. DIX, to be captain 30th August, 1825, vice Welch, deceased.

*Fourth Regiment of Artillery.*

Brevet major J. B. CRANE, captain 1st artillery, to be major 15th September, 1825, vice Wilson, deceased.

1st lieutenant J. W. RIPLEY, to be captain 1st August, 1825, vice Humphreys, deceased.

APPOINTMENT.

JOEL MARTIN, Va. to be assistant surgeon, 15th August, 1825.

Washington, Dec. 31, 1825.

*Third Regiment of Artillery.*

1st lieutenant L. G. DE RUSSEY, to be captain 11th December, 1825, vice Archer, deceased.

*Third Regiment of Infantry.*

Brevet colonel HENRY LEAVENWORTH, lieutenant colonel of the 6th infantry, to be colonel 16th December, 1825, vice Pinkney, deceased.

*Sixth Regiment of Infantry.*

Brevet lieutenant colonel ABRA-

HAM R. WOOLLEY, major, to be lieutenant colonel 16th December, 1825, vice Leavenworth, promoted.

Brevet major W. DAVENPORT, captain 7th infantry, to be major 16th December, 1825, vice Woolley, promoted.

*Seventh Regiment of Infantry.*

1st lieutenant BENJAMIN L. E. BONNEVILLE, to be captain 4th October, 1825, vice Wash, deceased.

1st lieutenant PIERCE BUTLER, to be captain 16th December, 1825, vice Davenport, promoted.

APPOINTMENTS.

George Croghan, Kentucky, to be inspector general 21st December, 1825.

GEORGE DUTTON, lieutenant of engineers, to be assistant commissary of subsistence 14th September, 1825.

P. MORRISON, lieutenant 4th infantry, to be assistant commissary of subsistence 4th October, 1825.

GILES PORTER, lieutenant 1st artillery, to be assistant commissary of subsistence, 13th October, 1825.

W. W. OUTLAW, lieutenant 7th infantry, to be assistant commissary of subsistence, 26th October, 1825.

SETH JOHNSON, lieutenant 2d infantry, to be assistant commissary of subsistence, 26th October, 1825.

S. B. DUSENBURY, lieutenant 4th artillery, to be assistant commis-

sary of subsistence 26th October, 1825.

**HARVEY BROWN**, lieutenant 4th artillery, to be assistant commissary of subsistence 22d December, 1825.

**THOMAS S. BRYANT**, Pa. to be assistant surgeon 5th October, 1825.

Washington, May 31, 1826.

*First Regiment of Infantry.*

Brevet colonel **JOHN M'NEAL**, jr. lieutenant colonel 3d infantry, to be colonel 28th April, 1826, vice Chambers, cashiered.

*Second Regiment of Infantry.*

Brevet major **W. WHISTLER**, captain 3d infantry, to be major 28th April, 1826, vice Cutler, promoted.

*Third Regiment of Infantry.*

Major **ENOS CUTLER**, of the 2d infantry, to be lieutenant colonel 28th April, 1826, vice M'Neal jr. promoted.

1st lieutenant **JOHN B. CLARK**, to be captain 18th March, 1826, vice Bradley, deceased.

1st lieutenant **EDWARD E. BROOKS**, to be captain 28th April, 1826, vice Whistler, promoted.

*Sixth Regiment of Infantry.*

1st lieutenant **ZALMON C. PALMER**, to be captain 15th February, 1826, vice Gray, cashiered.

1st lieutenant **WILLIAM N. WICKLIFFE**, to be captain 15th February, 1826, vice Pentland, cashiered.

APPOINTMENTS.

**GEORGE BENDER**, captain of the 5th infantry and assistant quartermaster, to be quartermaster 22d May, 1826.

**TRUEMAN CROSS**, captain of the 7th infantry and assistant quartermaster, to be quartermaster 22d May, 1826.

**HENRY SMITH**, 1st lieutenant of the 6th infantry, to be assistant quartermaster, 17th April, 1826.

**JOHN GARLAND**, captain of the 3d infantry, to be assistant quartermaster 19th May, 1826.

**JOHN B. CLARK**, captain of the 3d infantry, to be assistant quartermaster 19th May, 1826.

**H. W. FITZHUGH**, 1st lieutenant of the 2d artillery, to be assistant quartermaster 19th May, 1826.

**J. J. DAVIS**, 1st lieutenant of the 1st artillery, to be assistant quartermaster 19th May, 1826.

**HARVEY BROWN**, 1st lieutenant of the 4th artillery, to be assistant quartermaster 19th May, 1826.

**JOHN BRADLEY**, 1st lieutenant of the 2d infantry, to be assistant quartermaster 19th May, 1826.

**CHARLES THOMAS**, 1st lieutenant of the 7th infantry, to be assistant quartermaster, 19th May, 1826.

**JAMES L. DAWSON**, 1st lieutenant of the 7th infantry, to be assistant quartermaster 19th May, 1826.

**CLIFTON WHARTON**, 1st lieutenant of the 6th infantry, to be assistant quartermaster 19th May, 1826.

**CARLOS A. WAITE**, 2d lieutenant of the 2d infantry, to be assistant quartermaster, 19th May, 1826.

**SAMUEL SHANNON**, 1st lieutenant of the 1st infantry, to be assistant quartermaster 22d May, 1826.

**FRANCIS LEE**, 1st lieutenant of the 7th infantry, to be assistant quartermaster 22d May, 1826.

**CHARLES MELLON**, 1st lieutenant of the 2d artillery, to be assistant commissary of subsistence 15th February, 1826.

**J. HOWARD**, 1st lieutenant of the 1st artillery, to be assistant commissary of subsistence, 2d March, 1826.

**JASON ROGERS**, 1st lieutenant of the 6th infantry, to be assistant commissary of subsistence 7th April 1826.

**GEORGE WEBB**, 1st lieutenant of the 1st artillery, to be assistant commissary of subsistence 17th April, 1826.

**PHILIP MINIS**, to be assistant surgeon 12th April, 1826.

**ROBERT E. KERR**, to be assistant surgeon 2d May, 1826.

**HENRY STINNECKE**, to be assistant surgeon 8th May, 1826.

#### TRANSFERS.

**CLIFTON WHARTON**, 1st lieutenant of the 3d artillery, transferred to the 6th infantry.

**D. H. VINTON**, 1st lieutenant of the 6th infantry, transferred to the 3d artillery.

**MATTHEW J. WILLIAMS**, 2d lieutenant of the 4th artillery, transferred to the 3d infantry.

**FREDERICK NORCOM**, 2d lieutenant of the 3d infantry, transferred to the 4th artillery.

Washington, July 12th, 1826.

#### APPOINTMENTS.

**GUSTAVUS S. DRANE**, 1st lieutenant 2d artillery, to be assistant commissary of subsistence, 6th June, 1826.

#### TRANSFERS.

2d lieutenant **JAMES D. BURNHAM**, of the marine corps, transferred to the 3d regiment of artillery, to rank 1st July, 1825.

2d lieutenant **FREDERICK THOMAS**, of the marine corps, transferred to the 7th regiment of infantry, to rank 2d July, 1825.

### NAVY PROMOTIONS.

1826.] **CAPTAIN.**

*January 24th.*—David Deacon.

**MASTERS COMMANDANT.**

*March 21st.*—Wm. M. Hunter, John D. Sloat, Mathew C. Perry.

**LIEUTENANTS.**

*April 28th.*—James T. Gerry, John S. Nicholas, Samuel F. Dupont, Wm. L. Hudson, Wm. H. Campbell, Joseph M. Nicholson.

James P. Wilson, George A. Magruder, J. Edward Calhoun, John Pope, Henry D. Scott, Levin M. Powell, Charles Wilkes, Jr. Elisha Peck, John R. Coxe, Jr. Wm. Seaton, John A. Carr, Alex. H. Hopkinson, Thomas J. Manning, Wm. Pearson, Wm. Foster, Wm. L. Howard, Wm. P. Piercy, Richard A. Jones, Archd. R. Bogardus, John Swartwout, Thomas J. Leib.

1825.] SURGEONS.

*May.*—James Cornick, Charles Chase, D. S. Edwards, Isaac Hulse, A. M. Montgomery, John S. Wily. 1826.]—*May.*—George Terrill, John Haslett, E. L. Dubarry, Henry W. Bassett.

1825.] PURSERS.

*May.*—Josiah Colston.

*July.*—Robert Pottenger.

1826.] CHAPLAINS.

*April.*—Edward McLaughlin.

# NINETEENTH CONGRESS.

## FIRST SESSION.

*List of Members of the Senate, and of the House of Representatives of the United States.*

### SENATE.

<i>Maine.</i>	<i>Pennsylvania.</i>	<i>Tennessee.</i>
John Chandler	William Finlay	John H. Eaton
John Holmes	†William Marks	†Hugh L. White
<i>New Hampshire.</i>	<i>Delaware.</i>	<i>Ohio.</i>
Samuel Bell	Thomas Clayton	†William H. Harrison
†Levi Woodbury	Nicholas Van Dyke	Benjamin Ruggles
<i>Massachusetts.</i>	<i>Maryland.</i>	<i>Louisiana.</i>
James Lloyd	Edward Lloyd	Dominick Bouligny
Elijah Hunt Mills	Samuel Smith	Josiah S. Johnston
<i>Connecticut.</i>	<i>Virginia.</i>	<i>Indiana.</i>
Henry W. Edwards	Littleton W. Tazewell	†William Hendricks
†Calvin Willey	John Randolph	James Noble
<i>Rhode Island.</i>	<i>North Carolina.</i>	<i>Mississippi.</i>
Nehemiah R. Knight	John Branch	Powhattan Ellis
†Ashur Robbins	Nathaniel Macon	Thomas H. Williams
<i>Vermont.</i>	<i>South Carolina.</i>	<i>Illinois.</i>
†Dudley Chase	John Gaillard	†Elias K. Kane
Horatio Seymour	Robert Y. Hayne	Jesse B. Thomas
<i>New York.</i>	<i>Georgia.</i>	<i>Alabama.</i>
Martin Van Buren	†J. McPerson Berrien	†Henry Chambers
Nathan Sanford	Thomas W. Cobb	William R. King
<i>New Jersey.</i>	<i>Kentucky.</i>	<i>Missouri.</i>
Mahlon Dickerson	Richard M. Johnson	David Barton
Joseph McIlvaine	John Rowan	Thomas H. Benton
Walter Lowrie, Penn., Secretary.		
Mountjoy Bailey, Vt., Sergeant at Arms.		
Dr. Staughton, Chaplain.		

### HOUSE OF REPRESENTATIVES.

	<i>Maine.</i>	
†John Anderson	Enoch Lincoln	†Peleg Sprague
William Burleigh	Jeremiah O'Brien	Ebenezer Herrick
David Kidder		

Ichabod Bartlett  
†Titus Brown

William C. Bradley  
Rollin C. Mallary

†Tristram Burges

Samuel C. Allen  
†John Davis  
Henry W. Dwight  
†Edward Everett  
John Bailey

†John Baldwin  
Noyes Barber

Parmenio Adams  
†William G. Angel  
†Henry Ashley  
†Luther Badger  
C. C. Cambreleng  
†William Deitz  
†Nicholl Fosdick  
†Daniel G. Garnsey  
†John Hallock, jr.  
†A. B. Hasbrouck  
†Michael Hoffman  
Moses Hayden

George Cassedy  
Lewis Condict

James Allison  
†William Adams  
James Buchanan  
Samuel Edwards  
P. Farrelly  
John Findlay  
Robert Harris  
Joseph Hemphill  
Samuel D. Ingham

†Clement Dorsey  
†John Barney  
†John Leeds Kerr

*New Hampshire.*

†Nehemiah Eastman  
†Joseph Healey

*Vermont.*

†John Mattocks  
†Ezra Meech

*Rhode Island.*

†Dutee J. Pearce

*Massachusetts.*

Francis Baylies  
B. W. Crowninshield  
Aaron Hobart  
John Locke

*Connecticut.*

†Ralph J. Ingersoll  
†Elisha Phelps

*New York.*

†Charles Humphrey  
†Jeromus Johnson  
†Charles Kellogg  
†Wm. M' Manus  
Henry C. Martindale  
†Henry Markell  
Dudley Marvin  
†John Miller  
T. H. Porter  
Steph. Van Rensselaer  
†Henry H. Ross

*New Jersey.*

Daniel Garrison  
George Holcombe

*Delaware.*

Louis M' Lane.

*Pennsylvania.*

†Joseph Lawrence  
Philip S. Markley  
Daniel H. Miller  
†Charles Miner  
James S. Mitchel  
Samuel M'Kean  
†John Mitchell  
George Kremer  
George Plumer

*Maryland.*

Joseph Kent  
Peter Little  
†Robert N. Martin

†Jonathan Harvey  
Thomas Whipple, jr.

†George E. Wales

Samuel Lathrop  
John Reed  
†John Varnum  
Daniel Webster

Gideon Tomlinson  
†Orange Merwin

Robert S. Rose  
†Joshua Sands  
Henry R. Storrs  
James Strong  
John W. Taylor  
†Gulian C. Verplank  
†Aaron Ward  
†Elias Whittemore  
†Bartow White  
Silas Wood  
Egbert Ten Eyck

Samuel Swan  
†Ebenezer Tucker

Andrew Stewart  
Alexander Thompson  
†James S. Stevenson  
†Espy Van Horne  
James Wilson  
Henry Wilson  
George Wolf  
†John Wurts

George E. Mitchell  
†George Peter  
†Tho. G. Worthington



*Virginia.*

Mark Alexander  
William S. Archer  
†Wm. Armstrong, jr.  
John S. Barbour  
Burwell Basset  
†Thomas Davenport  
†Benjamin Estill  
†N. H. Claiborne

John Floyd  
Robert S. Garnett  
Joseph Johnson  
Charles F. Mercer  
William M'Coy  
Thomas Newton  
†Alfred H. Powell

John Randolph  
Wm. C. Rives  
Wm. Smith  
Andrew Stevenson  
John Taliaferro  
†Robert Taylor  
†James Trezvant

*North Carolina.*

†Willis Alston  
†John H. Bryan  
†Samuel R. Carson  
Weldon N. Edwards  
Henry Conner

†Richard Hines  
†Gabriel Holmes  
John Long  
†Archibald M'Neil

Willie P. Mangum  
†Lemuel Sawyer  
Romulus M. Saunders  
Lewis Williams

*South Carolina.*

John Carter  
Joseph Gist  
A. R. Govan

James Hamilton, jr.  
George M'Duffie  
†Thos. R. Mitchell

Sterling Tucker  
John Wilson  
Wm. Drayton

*Georgia.*

George Cary  
Alfred Cuthbert  
John Forsyth

†C. E. Haynes  
†James Meriwether

Edward T. Tattnal  
Wiley Thompson

*Kentucky.*

Richard A. Buckner  
†James Clarke  
Robert P. Henry  
†James Johnson

Francis Johnson  
†Joseph Lecompte  
Robert P. Letcher  
Thomas P. Moore

Thomas Metcalfe  
David Trimble  
†Wm. F. Young  
Charles A. Wickliffe

*Tennessee.*

Adam R. Alexander  
Robert Allen  
John Blair

John Cocke  
J. C. Isaacs  
†John H. Marable

†James C. Mitchell  
Samuel Houston  
†—— Polk

*Ohio.*

Mordecia Bartley  
Philemon Beecher  
John W. Campbell  
†James Findlay  
Wm. M'Lean

†David Jennings  
John Sloane  
†John Thompson  
Samuel T. Vinton  
Elisha Whittlesy

Wm. Wilson  
Joseph Vance  
John C. Wright  
†John Woods

*Louisiana.*

Wm. L. Brent

Henry H. Gurley

Edward Livingston

*Mississippi.*

Christopher Rankin

*Indiana.*

Jonathan Jennings

John Test

†Ratcliff Boone

*Illinois.*

Daniel P. Cook

*Alabama.*

Gabriel Moore

George W. Owen

John M'Kee

*Missouri.*

John Scott

*Arkansas.*

Henry W. Conway

*Florida.*

Joseph M. White

Matthew St. Clair Clark, Penn., Clerk.

J. O. Dunn, Dist. Col., Sergeant at Arms.

Rev. Mr. Post, Chaplain.

George Watterston, Librarian.

Those marked thus † are new members.

## GOVERNORS OF THE STATES for 1825.

Maine,  
 New Hampshire,  
 Massachusetts,  
 Rhode Island,  
 Connecticut,  
 Vermont,  
 New York,  
 New Jersey,  
 Pennsylvania,  
 Delaware,  
 Maryland,  
 Virginia,  
 North Carolina,  
 South Carolina,  
 Georgia,  
 Alabama,  
 Mississippi,  
 Louisiana,  
 Tennessee,  
 Kentucky,  
 Ohio,  
 Indiana,  
 Illinois,  
 Missouri,

Albion K. Parris.  
 David L. Morrill.  
 Levi Lincoln.  
 James Fenner.  
 Oliver Wolcott.  
 Cornelius P. Van Ness.  
 De Witt Clinton.  
 Isaac H. Williamson.  
 John Andrew Shulze.  
 Samuel Paynter.  
 Joseph Kent.  
 John Tyler.  
 Hutchins G. Burton.  
 Richard I. Manning.  
 George M. Troup.  
 John Murphy.  
 David Holmes.  
 Henry Johnson.  
 William Carroll.  
 Joseph Desha.  
 Jeremiah Morrow.  
 James B. Ray.  
 Edward Coles.  
 John Miller.

## TERRITORIES.

Michigan,  
 Arkansas,  
 Florida,

Lewis Cass.  
 George Izard.  
 William P. Duval.

## REPORT ON THE SINKING FUND.

The sums disbursed from the treasury during the year 1824, on account of the principal and interest of the public debt, amounted, as per the last annual report, to

\$16,568,393 76

# SINKING FUND.

373

And have been accounted for in the following manner, viz :

There was applied for the payment of a sum short provided, on account of the public debt, prior to the 1st January, 1824, as per statement B, annexed to the last annual report,

115,407 50

And there was applied, during the year 1824, towards the payment of the principal and interest of the public debt, as ascertained by accounts rendered to this department, as per annexed statement A, the sum of

16,541,382 04

Viz :—In the reimbursement of the deferred stock,

353,844,30

In the redemption of the 7 per cent. stock, 8,598,309 35

In the redemption of the exchanged 6 per cent. stock,

2,612,435 69

In the reimbursement of the Mississippi stock,

7,242 34

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11,571,831 68

The interest which accrued for the year 1824, amounted to

4,920,248 17

And the premium on 7 per cent. stock purchased, to

49,302 19

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16,541,382 04

Of this sum there was short provided, consisting of unclaimed dividends, not applied for by the proprietors, as per annexed statement B,

88,395 78

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16,452,986 26

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\$16,568,393 76

That, during the year 1825, the following disbursements were made by the treasury, on account of the principal and interest of the public debt :

On account of the interest of the debt,

\$4,373,277 40

of the redemption of the treasury note stock,

1,479,374 82

On account of the redemption of the 7 per cent. stock,	2,125 60
of the redemption of the exchanged 6 per cent. stock,	56,539 30
of the redemption of the 6 per cent. stock of 1812,	6,187,006 84
of the reimbursement of the Mississippi stock,	1,524 02
of the reimbursement of treasury notes,	2,001 49
of certain parts of the domestic debt,	15 31

Making together, as appears by statement C, the sum \_\_\_\_\_  
of \$12,101,864 78

Which disbursements were made from the appropriation of ten millions of dollars for the year 1825, and from the unexpended balance of the appropriations for previous years, and will be accounted for in the next annual report, in conformity to the accounts which shall then have been rendered to this department. In the mean time, the manner in which the said sum has been applied, is estimated as follows.

There is estimated to have been applied to the deficiency,  
at the end of the year 1824, as per statement B, 88,395 78  
In the reimbursement of the principal of the public debt,  
as per statement E, 7,728,575 70

And on account of the interest of the debt, viz :—The interest for 1825, including \$11 68 paid in that year for premium on 7 per cent. stock, purchased in 1824, is estimated at 4,321,746 96

Of this sum there is estimated to have been short provided, as per estimate F, 96,853 66  
\_\_\_\_\_ 4,284,893 30

\_\_\_\_\_ \$12,101,864 78

## DISTRICT TONNAGE OF THE UNITED STATES.

*Register's Office, January 2, 1826.*

Sir—I have the honor to transmit the annual statement of the district tonnage of the United States on the 31st December, 1824.

The registered tonnage as corrected at this office, for  
the year 1824, is stated at 669,972 60

**DISTRICT TONNAGE.****375**

The enrolled and licensed tonnage, is stated at	641,563 04
The fishing vessels at	77,627 33

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**1,389,163 02**

The tonnage on which duties were collected during the year 1824, amounted as follows :

The registered tonnage employed in foreign trade, paying duty on each voyage,	844,084 90
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The enrolled and licensed tonnage employed in the coasting trade, paying an annual duty ; also, registered tonnage employed in the coasting trade, paying duty on each entry,	606,893 25
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Fishing vessels the same,	81,533 00
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Duties were also paid on tonnage owned by citizens of the United States, engaged in foreign trade not registered,	836 50
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Total amount on which duties were collected,	1,533,347 79
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Of the registered tonnage, amounting, as before stated, to 669,972 60, there were employed in the whale fishery,	33,165 70
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Enrolled and licensed tonnage, also in the whale fishery,	180 08
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Amounting to	33,345 78
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I beg leave to subjoin a statement (marked A) of the tonnage for the year 1824, compared with the amount thereof as exhibited in the preceding annual statement for 1823, with notes in relation to the increase of the registered and enrolled tonnage, respectively, in the year 1824. By this statement it appears, that the total amount of vessels built in the several districts of the United States, during the year 1824, was

Registered tonnage,	54,492 18
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Enrolled tonnage,	36,446 77
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**90,939 95**

I have the honor to be, very respectfully,  
Your most obedient, humble servant,

**JOSEPH NOURSE, Register.**

**Hon. RICHARD RUSH, Secretary of the Treasury.**

## SUMMARY STATEMENT

*Of the Exports of the Growth, Produce, and Manufacture of the United States, during the year ending September 30th, 1825.*

Produce of the fisheries,	\$1,595,065
Furs, skins, ginseng, lumber, naval stores, pot and pearl ashes, &c.	4,938,949
Beef, tallow, hides, butter and cheese, pork and live animals,	2,136,541
Vegetable food,	10,841,511
Tobacco,	6,115,623
Cotton,	36,846,649
Indigo, flaxseed, hops, wax, and brown sugar,	433,968
Domestic manufactures,	3,169,115
<i>Articles not distinguished in returns.</i>	
Manufactured,	2,560,682
Raw produce,	433,183

---

Total, 66,944,745

*Statement of Exports of Foreign Growth, Produce or Manufacture, in the same year.*

Merchandise free of duty,	9,885,840
Do. paying duty ad valorem,	12,554,408
Do. paying specific duty,	10,150,395
<hr/>	
Total,	32,590,643

**STATISTICAL VIEW** of the **COMMERCE** of the **UNITED STATES**, exhibiting the value of **IMPORTS** from, and the value of **EXPORTS** to, each **Foreign Country**; also, the **Tonnage** of **American** and **Foreign vessels**, arriving from and departing to each **Foreign Country**, and the **Tonnage** belonging to each **Foreign Power**, employed in the **Commerce** of the **United States**, during the year ending on the 30th day of **September, 1825**.

COUNTRIES.	COMMERCE.			NAVIGATION.			
	Value of Imports.	Value of Domestic Exports.	Value of Foreign Exports.	American Tonnage.		Foreign Tonnage.	Foreign tonnage entered into the departing from United States belonging to each foreign power.
				Entered into the U. States.	Departing from the U. States.	Entered into the U. States.	
Russia	2,067,110	55,191	938,210	19,310	3,273	310	310
Prussia	91,530	4,918	79,530	147			917
Sweden and Norway	1,335,596	925,164	112,378	18,881	3,425	1,306	702
Swedish West Indies	81,702	193,781	41,947	2,011	7,150		133
Denmark	46,587	314,517	637,146	103	5,658		909
Danish West Indies	1,492,765	1,381,948	568,177	20,597	37,750	883	713
Danish East Indies							
Netherlands	1,953,300	2,436,468	1,304,539	50,181	30,946	880	676
Dutch West Indies and South American colonies	632,607	497,194	77,092	17,906	14,508	1,804	
Dutch East Indies	186,402	163,029	1,364,884	1,465	7,556		1,324
England, Man, and Berwick	34,371,510	32,008,300	2,031,186	198,769	172,409	38,951	30,948
Scotland	1,829,464	1,680,528	7,657	7,519	7,253	4,916	2,932
Ireland	612,972	1,367,550	20,689	17,985	19,463	3,904	1,331
Gibraltar	748,546	861,733	941,081	14,180	20,363		564
British East Indies	1,756,494	206,450	764,699	2,006	4,194		
Mauritius	72,290	40,126	41,202	890	1,104	487	
British African Ports	5,755	7,735	1,977	973	948		
British West Indies	2,437,192	1,635,574	11,472	101,604	93,967	6,967	6,807
Newfoundland and British Fisheries	9,698	10,068		537	93	172	
British North American colonies	610,788	2,538,994	1,740	60,906	61,590	6,179	10,139
Other British colonies	41,956	23,619	2,025	199	263	70	70
The Hans Towns and ports of Germany	2,730,526	1,144,474	1,976,550	8,601	17,300	4,201	6,460
French European ports on the Atlantic	10,151,671	7,388,693	2,825,938	46,519	47,397	6,777	9,767
French European ports on the Mediterranean	512,511	167,943	736,490	8,554	9,468		
French West Indies and South American colonies	648,968	537,362	74,558	35,945	42,539	6,067	5,067
							5,066
							13,953
							7,000
							14,506
							French.

Bourbon	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
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**TREASURY DEPARTMENT, Register's Office, March 25, 1896.**

**JOSEPH NOURSE, Register.**



**STATEMENT** of the **COMMERCE** of each **STATE** and **TERRITORY**, commencing on the 1st day of October, 1824, and ending on the 30th day of September, 1825.

**VIEW OF COMMERCE.**

379

STATES, &c.	Value of Mer- chandise Im- ported.	Value of Merchandise Ex- ported.		Quantity of American Tonnage.		Quantity of Foreign Tonnage.	
		Domestic Pro- duce.	Foreign Pro- duce.	Entered.	Departing.	Entered.	Departing.
Maine - - -	1,169,940	964,664	66,463	71,292	113,331	2,230	3,250
New-Hampshire - -	331,244	181,840	16,840	16,145	7,566	469	469
Massachusetts - -	15,845,141	4,262,104	7,170,883	172,782	145,972	4,709	4,943
Vermont - - -	109,021	396,166			695		35
Rhode Island - -	907,906	519,589	158,878	23,354	23,923		
Connecticut - -	707,473	684,686	4,584	22,072	24,395		
New-York - - -	49,639,174	20,651,588	14,607,703	271,825	255,878	22,947	19,851
New-Jersey - -	27,688	43,980	3,233	1,140	1,657		
Pennsylvania - -	15,041,797	3,936,183	7,333,848	86,437	82,435	1,829	2,385
Delaware - - -	18,693	29,361	2,295	283	827		
Maryland - - -	4,751,815	3,092,365	1,408,939	66,140	66,228	2,604	3,845
District of Columbia	277,297	749,159	9,208	8,779	12,342		
Virginia - - -	553,562	4,122,340	7,180	16,813	41,309	6,423	7,610
North Carolina - -	311,308	553,390		28,235	41,139	4,204	3,454
South Carolina - -	1,892,297	10,876,475	180,267	29,373	57,520	16,323	17,081
Georgia - - -	343,356	4,220,939	1,894	10,946	23,328	5,939	5,547
Louisiana - - -	4,290,034	10,965,224	1,617,690	49,016	51,602	28,962	25,776
Alabama - - -	113,411	691,897	738	5,440	9,896	1,288	834
Michigan Territory	5,695						
Florida - - -	3,218	2,865		682	323		
Total . . .	96,340,075	66,944,745	32,590,643	880,754	960,366	92,927	95,080

TREASURY DEPARTMENT, Register's Office, March, 25, 1826.  
JOSEPH NOURSE, Register.

THERMOMETRICAL TABLE, from April, 1825, to July, 1826.

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
1825																															
April,	44	39	35	47	50	53	51	51	54	58	54	44	45	48	50	53	60	60	48	44	40	48	53	51	48	52	58	52	55	53	
May,	53	49	53	47	53	55	59	55	54	59	54	54	57	57	56	59	60	63	65	63	66	63	66	70	73	65	65	68	65	68	70
June,	69	70	68	59	59	67	74	77	78	80	82	84	78	73	73	75	72	70	80	78	82	77	72	69	70	73	72	70	73	72	
July,	75	74	74	76	76	75	74	72	77	82	87	85	82	77	76	78	77	83	83	87	87	88	88	85	79	76	74	76	76	77	80
August,	77	70	72	75	76	77	78	80	79	78	72	70	75	80	82	83	71	67	64	64	65	65	72	74	78	74	69	71	72	74	75
September,	66	67	66	62	65	65	66	66	63	59	59	64	69	81	80	81	80	64	68	65	61	66	69	69	57	59	58	58	59	63	
October,	64	69	69	71	73	72	74	65	61	68	68	57	60	61	67	59	45	40	43	49	47	43	50	50	47	55	62	45	44	46	48
November,	49	48	46	46	51	54	53	52	50	42	43	42	46	47	46	45	43	34	31	38	37	36	35	39	38	39	39	39	43	44	
December,	47	49	46	40	33	32	35	38	43	30	28	21	1	26	36	43	51	46	37	30	27	23	19	27	41	28	29	33	34	38	40
1826																															
January,	37	30	32	30	22	25	34	42	45	47	42	39	37	44	46	30	29	30	33	29	28	30	34	34	15	14	30	37	32	24	9
February,	5	28	31	28	33	33	36	36	34	36	39	37	36	34	26	31	31	28	31	32	36	32	33	39	49	48	37	35			
March,	36	37	42	42	42	44	38	38	44	52	45	39	44	34	39	42	29	32	33	37	38	41	47	54	41	33	32	38	42	36	38
April,	45	45	42	45	48	40	38	40	46	34	29	31	37	44	49	51	52	53	53	51	43	39	43	48	48	47	47	50	55	52	
May,	53	61	64	68	64	61	63	60	60	59	60	65	73	75	80	79	77	70	60	63	73	72	76	73	67	65	73	74	61	61	67
June,	71	75	77	82	65	62	70	78	78	75	79	72	71	2	71	61	64	66	66	65	61	60	61	66	69	71	70	71	77	75	

# PUBLIC DOCUMENTS.

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## I.—DOMESTIC.

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### TREATY BETWEEN THE UNITED STATES AND COLOMBIA.

#### ARTICLE 1st.

There shall be a perfect, firm and inviolable peace and sincere friendship between the United States of America and the republic of Colombia, in all the extent of their possessions and territories, and between their people and citizens respectively, without distinction of persons or places.

#### ARTICLE 2d.

The United States of America and the republic of Colombia, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

#### ARTICLE 3d.

The citizens of the United States may frequent all the coasts and countries of the republic of Co-

lombia, and reside and trade there, in all sorts of produce, manufactures and merchandise, and shall pay no other or greater duties, charges or fees, whatsoever, than the most favored nation is or shall be obliged to pay ; and they shall enjoy all the rights, privileges and exemptions in navigation and commerce, which the most favored nation does or shall enjoy, submitting themselves, nevertheless, to the laws, decrees and usages, there established, and to which are submitted the subjects and citizens of the most favored nations.

In like manner the citizens of the republic of Colombia may frequent all the coasts and countries of the United States, and reside and trade there, in all sorts of produce, manufactures and merchandise, and shall pay no other or greater duties, charges or fees, whatsoever, than the most favored nation is or shall be obliged to pay ; and they shall enjoy all the rights, privileges and exemptions in navigation and commerce, which the most favored nation does or shall enjoy, submitting

themselves, nevertheless, to the laws, decrees and usages, there established, and to which are submitted the subjects and citizens of the most favored nations.

ARTICLE 4th.

It is likewise agreed, that it shall be wholly free for all merchants, commanders of ships and other citizens of both countries, to manage themselves their own business in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandise by wholesale or retail, as with respect to the loading, unloading and sending off their ships; they being, in all these cases, to be treated as citizens of the country in which they reside, or at least to be placed on a footing with the subjects or citizens of the most favored nation.

ARTICLE 5th.

The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandises, or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.

ARTICLE 6th.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions of the other, with their vessels, whether merchant or of war, public or private, through stress of weather, pursuit of pirates, or enemies, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage,

without obstacle or hindrance of any kind.

ARTICLE 7th.

All the ships, merchandise and effects, belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners, they proving, in due and proper form, their rights, before the competent tribunals; it being well understood that the claim should be made within the term of one year by the parties themselves, their attorneys, or agents of the respective governments.

ARTICLE 8th.

When any vessel, belonging to the citizens of either of the contracting parties, shall be wrecked, foundered, or shall suffer any damage on the coasts, or within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandise and effects, without exacting for it any duty, impost or contribution whatever, until they may be exported.

ARTICLE 9th.

The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament or otherwise, and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and they may take possession thereof, either by themselves or others

acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country, wherein the said goods are, shall be subject to pay in like cases. And if, in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance, on account of their character of aliens, there shall be granted to them the term of three years to dispose of the same, as they may think proper, and to withdraw their proceeds without molestation, and exempt from all rights of detraction, on the part of the government of the respective states.

ARTICLE 10th.

Both the contracting parties promise and engage, formally, to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country in which they may be ; for which they may employ in defence of their rights, such advocates, solicitors, notaries, agents and factors, as they may judge proper, in all their trials at law ; and such citizens or agents shall have free opportunity to be present at the decisions and sentences of the tribunals, in all cases which may concern them, and likewise at the taking of all examinations and evidences which may be exhibited in the said trials.

ARTICLE 11th.

It is likewise agreed, that the most perfect and entire security of conscience shall be enjoyed by the citizens of both the contracting

parties in the countries subject to the jurisdiction of the one and the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country. Moreover, the bodies of the citizens of one of the contracting parties, who may die in the territories of the other, shall be buried in the usual burying ground, or in other decent and suitable places, and shall be protected from violation or disturbance.

ARTICLE 12th.

It shall be lawful for the citizens of the United States of America and of the republic of Colombia, to sail with their ships, with all manner of liberty and security, no distinction being made, who are the proprietors of the merchandise laden thereon, from any port to the places of those who now are or hereafter shall be at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with their ships and merchandise beforementioned, and to trade with the same liberty and security from the places, ports and havens, of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy, beforementioned, to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one power or under several. And it is hereby stipulated, that free ships shall also give freedom to goods, and that every thing shall be deemed to be free and exempt, which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole

lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to both or either party, they are not to be taken out of that free ship, unless they are officers or soldiers, and in the actual service of the enemies: Provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers only, who recognise this principle; but if either of the two contracting parties shall be at war with a third, and the other neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle, and not of others.

#### ARTICLE 13th.

It is likewise agreed, that, in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemy's vessels shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterwards, if it were done without the knowledge of it; but the contracting parties agree, that two months having elapsed after the declaration, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's pro-

perty, in that case the goods and merchandises of the neutral, embarked in such enemy's ships, shall be free.

#### ARTICLE 14th.

This liberty of navigation and commerce shall extend to all kinds of merchandises, excepting those only which are distinguished by the name of contraband, and under this name of contraband, or prohibited goods, shall be comprehended—

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuzees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds and granades, bombs, powder, matches, balls, and all other things belonging to the use of these arms;

2dly. Bucklers, helmets, breastplates, coats of mail, infantry belts and clothes, made up in the form and for a military use;

3dly. Cavalry belts, and horses with their furniture;

4thly. And generally all kinds of arms and instruments of iron, steel, brass and copper, or of any other materials manufactured, prepared and formed, expressly to make war by sea or land.

#### ARTICLE 15th.

All other merchandises and things, not comprehended in the articles of contraband explicitly enumerated and classified, as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blocked up; and to avoid all doubt in this particular, it is declared that those places only are

besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

ARTICLE 16th.

The articles of contraband, before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain or supercargo of said vessel, will deliver up the articles of contraband, to the captor, unless the quantity of such articles be so great and of so large a bulk, that they cannot be received on board the capturing ship without great inconvenience; but in this and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port, for trial and judgment, according to law.

ARTICLE 17th.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy, without knowing that the same is besieged, blockaded, or invested, it is agreed, that every vessel, so circumstanced, may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment, from the commanding officer of the blockading forces, she shall again attempt to enter, but she shall be permitted to go to any other port or place she shall think

proper. Nor shall any vessel of either, that may have entered into such port before the same was actually besieged, blockaded or invested, by the other, be restrained from quitting such place with her cargo, nor if found therein after the reduction and surrender, shall such vessel or her cargo, be liable to confiscation, but they shall be restored to the owners thereof.

ARTICLE 18th.

In order to prevent all kind of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually, that whenever a vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain out of cannon shot, and may send its boat with two or three men only, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill treatment, for which the commanders of the said armed ships shall be responsible with their persons and property; for which purpose the commanders of said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit. And it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel, for the purpose of exhibiting her papers, or for any other purpose whatever.

ARTICLE 19th.

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed, and do



agree, that, in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports, expressing the name, property and bulk of the ship, as also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear, that the ship really and truly belongs to the citizens of one of the parties; they have likewise agreed that such ships being laden, besides the said sea-letters or passports, shall also be provided with certificates containing the several particulars of the cargo, and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form; without which requisites, said vessel may be detained to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall be satisfied or supplied by testimony entirely equivalent.

#### ARTICLE 20th.

It is further agreed, that the stipulations above expressed, relative to the visiting and examination of vessels, shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries—and when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

#### ARTICLE 21st.

It is further agreed, that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognisance of them. And whenever such tribunal of either party shall pronounce judgment against any vessel or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel, without any delay, he paying the legal fees for the same.

#### ARTICLE 22d.

Whenever one of the contracting parties shall be engaged in war with another state, no citizen of the other contracting party shall accept a commission, or letter of marque, for the purpose of assisting or co-operating hostilely, with the said enemy, against the said party so at war, under the pain of being treated as a pirate.

#### ARTICLE 23d.

If, by any fatality which cannot be expected, and which God forbid, the two contracting parties should be engaged in a war with each other, they have agreed and do agree, now for then, that there shall be allowed, the term of six months to the merchants residing on the coasts and in the ports of each other; and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the safe conduct necessary for it, which



may serve as a sufficient protection until they arrive at the designated port. The citizens of all other occupations who may be established in the territories or dominions of the United States and of the republic of Colombia, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which in consideration of humanity the contracting parties engage to give them.

ARTICLE 24th.

Neither the debts due from individuals of the one nation to the individuals of the other, nor shares, nor moneys, which they may have in public funds, nor in public or private banks, shall ever, in any event of war, or of national difference, be sequestered or confiscated.

ARTICLE 25th.

Both the contracting parties being desirous of avoiding inequality in relation to their public communications and official intercourse, have agreed, and do agree, to grant to the envoys, ministers, and other public agents, the same favors, immunities, and exemptions, which those of the most favored nation do or shall enjoy; it being understood that whatever favors, immunities, or privileges, the United States of America or the republic of Colombia may find it proper to give to the ministers and public agents of any other power, shall by the same act be extended to those of each of the contracting parties.

ARTICLE 26th.

To make more effectual the protection which the United States and the republic of Colombia shall afford in future to the navigation and commerce of the citizens of

each other, they agree to receive and admit consuls and vice-consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities, of the consuls and vice-consuls of the most favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such consuls may not seem convenient.

ARTICLE 27th.

In order that the consuls and vice-consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities, which belong to them, by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent, in due form, to the government to which they are accredited; and having obtained their *exequatur*, they shall be held and considered as such, by all the authorities, magistrates, and inhabitants, in the consular district in which they reside.

ARTICLE 28th.

It is likewise agreed, that the consuls, their secretaries, officers, and persons attached to the service of consuls, they not being citizens of the country in which the consul resides, shall be exempt from all public service, and also from all kinds of taxes, imposts, and contributions, except those which they shall be obliged to pay on account of commerce, or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside, are subject, being in every thing besides subject to the laws of the respective states. The archives and papers of the consulates shall be respected inviolably, and under no pretext

whatever shall any magistrate seize, or in any way interfere with them.

ARTICLE 29th.

The said consuls shall have the power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country, and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessel's or ship's roll, or other public documents, that those men were part of the said crews: and on this demand, so proved, (saving, however, where the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of the said consuls, and may be put in the public prisons at the request and expense of those who claim them, to be sent to the ships to which they belonged, or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

ARTICLE 30th.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit them, to form a consular convention, which shall declare specially the powers and immunities of the consuls and vice-consuls of the respective parties.

ARTICLE 31st.

The United States of America and the republic of Colombia, desiring to make as durable as cir-

cumstances will permit, the relations which are to be established between the two parties by virtue of this treaty, or general convention of peace, amity, commerce, and navigation, have declared solemnly, and do agree to the following points:

1st. The present treaty shall remain in full force and virtue for the term of twelve years, to be counted from the day of the exchange of the ratifications, in all the parts relating to commerce and navigation; and in all those parts which relate to peace and friendship, it shall be permanently and perpetually binding on both powers.

2dly. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizen shall be held personally responsible for the same, and the harmony and good correspondence between the two nations shall not be interrupted thereby; each party engaging in no way to protect the offender, or sanction such violation.

3dly. If, (what, indeed, cannot be expected,) unfortunately, any of the articles contained in the present treaty shall be violated or infringed in any other way whatever, it is expressly stipulated, that neither of the contracting parties will order or authorise any acts of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party considering itself offended, shall first have presented to the other a statement of such injuries or damages, verified by competent proof, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed.

4thly. Nothing in this treaty contained shall, however, be construed,

or operate contrary to former and existing public treaties with other sovereigns or states.

The present treaty of peace, amity, commerce, and navigation, shall be approved and ratified by the president of the United States of America, by and with the advice and consent of the senate thereof, and by the president of the republic of Colombia, with the consent and approbation of the congress of the same, and the ratifications shall be exchanged in the city of Washington within eight months, to be counted from the date of the signature hereof, or sooner if possible.

In faith, whereof, we, the plenipotentiaries of the United States of America and of the republic of Colombia, have signed and sealed these presents.

Done in the city of Bogota, on the third day of October, in the year of our Lord one thousand eight hundred and twenty-four, in the forty-ninth year of the independence of the United States of America, and the fourteenth of that of the republic of Colombia.

[SEAL.] RICHARD C. ANDERSON, jr.  
[SEAL.] PEDRO GUAL.

And whereas the said convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged, at Washington, on the twenty-seventh day of the present month, by DANIEL BRENT, chief clerk of the department of state, and JOSE MARIA SALAZAR, L. L. D., fiscal of the high court of justice of the republic of Colombia, and envoy extraordinary and minister plenipotentiary thereof, near the government of the United States of America, on the part of their respective governments.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed. Done at the [L. s.] city of Washington, this thirty-first day of May, in the year of our Lord one thousand eight hundred and twenty-five, and of the independence of the United States the forty-ninth.

JOHN QUINCY ADAMS.

By the president :

H. Clay, *secretary of state*.

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MESSAGE of the PRESIDENT of the UNITED STATES to the 19th CONGRESS—1st Session.

Fellow Citizens of the Senate, and of the House of Representatives,—

In taking a general survey of the concerns of our beloved country, with reference to subjects interesting to the common welfare, the first sentiment which impresses itself upon the mind, is of gratitude to the Omnipotent Dispenser of all good, for the continuance of the

signal blessings of his providence, and especially for that health which, to an unusual extent, has prevailed within our borders; and for that abundance which, in the vicitudes of the seasons, has been scattered with profusion over our land. Nor ought we less to ascribe to him the glory, that we are permitted to enjoy the bounties of his hand in peace

and tranquility ; in peace with all the other nations of the earth, in tranquility among ourselves. There has, indeed, rarely been a period in the history of civilized man, in which the general condition of the christian nations has been marked so extensively by peace and prosperity. Europe, with a few partial and unhappy exceptions, has enjoyed ten years of peace, during which all her governments, whatever the theory of their constitutions may have been, are successively taught to feel, that the end of their institution is the happiness of the people, and that the exercise of power among men can be justified only by the blessings it confers upon those over whom it is extended.

During the same period, our intercourse with all those nations has been pacific and friendly—it so continues. Since the close of your last session, no material variation has occurred in our relations with any one of them. In the commercial and navigation system of Great Britain, important changes of municipal regulation have recently been sanctioned by acts of parliament, the effect of which, upon the interests of other nations, and particularly upon ours, has not yet been fully developed. In the recent renewal of the diplomatic missions on both sides, between the two governments, assurances have been given and received of the continuance and increase of that mutual confidence and cordiality by which the adjustment of many points of difference had already been effected, and which affords the surest pledge for the ultimate satisfactory adjustment of those which still remain open, or may hereafter arise.

The policy of the United States,

in their commercial intercourse with other nations, has always been of the most liberal character. In the mutual exchange of their respective productions, they have abstained altogether from prohibitions—they have interdicted themselves the power of laying taxes upon exports, and whenever they have favored their own shipping, by special preferences, or exclusive privileges in their own ports, it has been only with a view to counter-vail similar favors and exclusions, granted by the nations with whom we have been engaged in traffic, to their own people or shipping, and to the disadvantage of ours. Immediately after the close of the last war, a proposal was fairly made by the act of congress of the 3d of March, 1815, to all the maritime nations, to lay aside the system of retaliating restrictions and exclusions, and to place the shipping of both parties to the common trade, on a footing of equality, in respect to the duties of tonnage and impost. This offer was partially and successively accepted by Great Britain, Sweden, the Netherlands, the Hanseatic cities, Prussia, Sardinia, the duke of Oldenburg, and Russia. It was also adopted, under certain modifications, in our late commercial convention with France. And, by the act of congress of the 8th of January, 1824, it has received a new confirmation, with all the nations who had acceded to it, and has been offered again to all those who are, or may hereafter be, willing to abide in reciprocity by it. But all these regulations, whether established by treaty, or by municipal enactments, are still subject to one important restriction. The removal of discriminating duties of tonnage and of im-

post, is limited to articles of the growth, produce or manufacture of the country to which the vessel belongs, or to such articles as are most usually first shipped from her ports. It will deserve the serious consideration of congress, whether even this remnant of restriction may not be safely abandoned, and whether the general tender of equal competition, made in the act of the 8th January, 1824, may not be extended to include all articles of merchandise not prohibited, of what country soever they may be the produce or manufacture. Propositions to this effect, have already been made to us by more than one European government, and it is probable that, if once established by legislation or compact, with any distinguished maritime state, it would recommend itself by the experience of its advantages, to the general accession of all.

The convention of commerce and navigation between the United States and France, concluded on the 24th of June, 1822, was, in the understanding and intent of both parties, as appears upon its face, only a temporary arrangement of the points of difference between them, of the most immediate and pressing urgency. It was limited, in the first instance, to two years from the 1st October, 1822, but with a proviso, that it should further continue in force, till the conclusion of a general and definitive treaty of commerce; unless terminated by a notice, six months in advance, of either of the parties to the other. Its operations, so far as it extended, has been mutually advantageous; and it still continues in force by common consent. But it left unadjusted several objects of great in-

terest to the citizens and subjects of both countries, and particularly a mass of claims, to considerable amount, of citizens of the United States upon the government of France, of indemnity for property taken or destroyed under circumstances of the most aggravated and outrageous character. In the long period, during which continual and earnest appeals have been made to the equity and magnanimity of France, in behalf of these claims, their justice has not been, as it could not be, denied. It was hoped that the accession of a new sovereign to the throne would have afforded a favorable opportunity for presenting them to the consideration of his government. They have been presented and urged, hitherto without effect. The repeated and earnest representations of our minister at the court of France, remain as yet, even without any answer. Were the demands of nations upon the justice of each other susceptible of adjudication by the sentence of an impartial tribunal, those to which I now refer, would long since have been settled, and adequate indemnity would have been obtained. There are large amounts of similar claims upon the Netherlands, Naples, and Denmark. For those upon Spain, prior to 1819, indemnity was, after many years of patient forbearance, obtained, and those upon Sweden have been lately compromised by a private settlement, in which the claimants themselves have acquiesced. The governments of Denmark and of Naples have been recently reminded of those yet existing against them; nor will any of them be forgotten, while a hope may be indulged of obtaining justice, by the means

within the constitutional power of the executive, and without resorting to those measures of self-redress, which, as well as the time, circumstances and occasion, which may require them, are within the exclusive competency of the legislature.

It is with great satisfaction, that I am enabled to bear witness to the liberal spirit with which the republic of Colombia has made satisfaction for well-established claims of a similar character. And among the documents now communicated to congress, will be distinguished a treaty of commerce and navigation with that republic, the ratifications of which have been exchanged since the last recess of the legislature. The negotiation of similar treaties with all the independent South American states, has been contemplated, and may yet be accomplished. The basis of them all, as proposed by the United States, has been laid in two principles; the one of entire and unqualified reciprocity; the other, the mutual obligation of the parties, to place each other permanently, upon the footing of the most favored nation. These principles are, indeed, indispensable to the effectual emancipation of the American hemisphere from the thralldom of colonizing monopolies and exclusions; an event rapidly realising in the progress of human affairs, and which the resistance still opposed in certain parts of Europe to the acknowledgement of the Southern American republics, as independent states, will, it is believed, contribute more effectually to accomplish. The time has been, and that not remote, when some of those states might, in their anxious desire to obtain a nominal recognition, have accepted of a nominal

independence, clogged with burdensome conditions, and exclusive commercial privileges granted to the nation from which they have separated, to the disadvantage of all others. They are now all aware that such concessions to any European nation, would be incompatible with that independence which they have declared and maintained.

Among the measures which have been suggested to them by the new relations with one another, resulting from the recent changes of their condition, is that of assembling at the isthmus of Panama, a congress at which each of them should be represented, to deliberate upon objects important to the welfare of all. The republics of Colombia, of Mexico, and of Central America, have already deputed plenipotentiaries to such a meeting, and they have invited the United States to be also represented there by their ministers. The invitation has been accepted, and ministers on the part of the United States will be commissioned to attend at those deliberations, and to take part in them, so far as may be compatible with that neutrality, from which it is neither our intention, nor the desire of the other American states, that we should depart.

The commissioners, under the seventh article of the treaty of Ghent, have so nearly completed their labors, that, by the report recently received from the agent on the part of the United States, there is reason to expect that the commission will be closed at their next session, appointed for the 22d of May, of the ensuing year.

The other commission, appointed to ascertain the indemnities due for slaves carried away from the



United States, after the close of the late war, have met with some difficulty, which has delayed their progress in the inquiry. A reference has been made to the British government on the subject, which, it may be hoped, will tend to hasten the decision of the commissioners, or serve as a substitute for it.

Among the powers specifically granted to congress by the constitution, are those of establishing uniform laws on the subject of bankruptcies throughout the United States; and of providing for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States. The magnitude and complexity of the interests affected by legislation upon these subjects, may account for the fact, that, long and often as both of them have occupied the attention, and animated the debates of congress, no systems have yet been devised, for fulfilling, to the satisfaction of the community, the duties prescribed by these grants of power. To conciliate the claim of the individual citizen to the enjoyment of personal liberty, with the effective obligation of private contracts, is the difficult problem to be solved by a law of bankruptcy. These are objects of the deepest interest to society, affecting all that is precious in the existence of multitudes; of persons, many of them in the classes essentially dependant and helpless; of the age requiring nurture, and of the sex entitled to protection, from the free agency of the parent and the husband. The organization of the militia is yet more indispensable to the liberties of the country. It is only by an effective militia that we can, at once, enjoy the repose

of peace, and bid defiance to foreign aggression; it is by the militia that we are constituted an armed nation standing in perpetual panoply of defence, in the presence of all the other nations of the earth. To this end, it would be necessary so to shape its organization, as to give it a more united and active energy. There are laws for establishing an uniform militia throughout the United States, and for arming and equipping its whole body. But it is a body of dislocated members, without the vigor of unity, and having little of uniformity, but the name. To infuse into this most important institution the power of which it is susceptible, and to make it available for the defence of the union, at the shortest notice, and at the smallest expense of time, of life and of treasure, are among the benefits to be expected from the persevering deliberations of congress.

Among the unequivocal indications of our national prosperity, is the flourishing state of our finances. The revenues of the present year, from all their principal sources, will exceed the anticipations of the last. The balance in the treasury, on the 1st of January last, was a little short of two millions of dollars, exclusive of two millions and a half, being the moiety of the loan of five millions, authorized by the act of 26th May, 1824. The receipts into the treasury, from the 1st of January, to the thirtieth of September, exclusive of the other moiety of the same loan, are estimated at sixteen millions, five hundred thousand dollars; and it is expected that those of the current quarter will exceed five millions of dollars; forming an aggregate of receipts of nearly twenty-two millions, independent of the

loan. The expenditures of the year will not exceed that sum more than two millions. By those expenditures, nearly eight millions of the principal of the public debt have been discharged. More than a million and a half has been devoted to the debt of gratitude to the warriors of the revolution: a nearly equal sum to the construction of fortifications, and the acquisition of ordnance, and other permanent preparatives of national defence: half a million to the gradual increase of the navy: an equal sum for purchases of territory from the Indians, and payment of annuities to them: and upwards of a million for objects of internal improvement, authorized by special acts of the last congress. If we add to these, four millions of dollars for payment of interest upon the public debt, there remains a sum of about seven millions which have defrayed the whole expense of the administration of government, in its legislative, executive and judiciary departments, including the support of the military and naval establishments, and all the occasional contingencies of a government co-extensive with the union.

The amount of duties secured on merchandise imported, from the commencement of the year, is about twenty-five millions and a half; and that which will accrue, during the current quarter, is estimated at five millions and a half: from these, thirty-one millions, deducting the drawbacks, estimated at less than seven millions, a sum exceeding twenty-four millions will constitute the revenue of the year; and will exceed the whole expenditures of the year. The entire amount of public debt, remaining due on the first of January next, will be short

of eighty-one millions of dollars.

By an act of congress, of the third of March last, a loan of twelve millions of dollars was authorized at four and a half per cent. or an exchange of stock to that amount of four and a half per cent. for a stock of six per cent. to create a fund for extinguishing an equal amount of the public debt, bearing an interest of six per cent. redeemable in 1826. An account of the measures taken to give effect to this act will be laid before you by the secretary of the treasury. As the object, which it had in view, has been but partially accomplished, it will be for the consideration of congress, whether the power with which it clothed the executive should not be renewed at an early day of the present session, and under what modifications.

The act of congress, of the third of March last, directing the secretary of the treasury to subscribe, in the name and for the use of the United States, for one thousand five hundred shares of the capital stock of the Chesapeake and Delaware canal company, has been executed by the actual subscription for the amount specified; and such other measures have been adopted by that officer, under the act, as the fulfilment of its intentions requires. The latest accounts received of this important undertaking, authorize the belief that it is in successful progress.

The payments into the treasury from proceeds of the sales of the public lands, during the present year, were estimated at one million of dollars. The actual receipts, of the first two quarters, have fallen very little short of that sum: it is not expected that the second half of the year will be equally productive; but the income of the year,



from that source, may now be safely estimated at a million and a half. The act of congress, of the 18th of May, 1824, to provide for the extinguishment of the debt due to the United States by the purchasers of public lands, was limited, in its operation of relief to the purchasers, to the tenth of April last. Its effect, at the end of the quarter, during which it expired, was to reduce that debt from ten to seven millions. By the operation of similar prior laws of relief, from and since that of the 2d of March, 1821, the debt had been reduced from upwards of twenty-two millions, to ten. It is exceedingly desirable that it should be extinguished altogether, and, to facilitate that consummation, I recommend to congress the revival, for one year more of the act of 18th of May, 1824, with such provisional modification as may be necessary to guard the public interests against fraudulent practices in the resale of the relinquished land. The purchasers of public lands are among the most useful of our fellow-citizens, and, since the system of sales for cash alone has been introduced, great indulgence has been justly extended to those who had previously purchased upon credit. The debt which had been contracted, under the credit sales, had become unwieldly, and its extinction was alike advantageous to the purchaser and the public. Under the system of sales, matured, as it has been, by experience, and adapted to the exigencies of the times, the lands will continue, as they have become, an abundant source of revenue ; and when the pledge of them, to the public creditor, shall have been redeemed by the entire discharge of the national

debt, the swelling tide of wealth, with which they replenish the common treasury, may be made to reflow in unfailing streams of improvement from the Atlantic to the Pacific ocean.

The condition of the various branches of the public service, resulting from the department of war and their administration, during the current year, will be exhibited in the report from the secretary of war, and the accompanying documents herewith communicated. The organization and discipline of the army are effective and satisfactory. To counteract the prevalence of desertion among the troops, it has been suggested to withhold from the men a small portion of their monthly pay, until the period of their discharge ; and some expedient appears to be necessary to preserve and maintain among the officers, so much of the art of horsemanship as could scarcely fail to be found wanting, on the possible sudden eruption of a war, which should overtake us unprovided with a single corps of cavalry. The military academy at West Point, under the restrictions of a severe but paternal superintendence, recommends itself more and more to the patronage of the nation ; and the number of meritorious officers, which it forms and introduces to the public service, furnishes the means of multiplying the undertakings of public improvements, to which their acquirements at that institution are peculiarly adapted. The school of artillery practice, established at Fortress Monroe, is well suited to the same purpose, and may need the aid of further legislative provisions to the same end. The report from the various officers at the head of the

administrative branches of the military service, connected with the quartering, clothing, subsistence, health and pay of the army, exhibit the assiduous vigilance of those officers in the performance of their respective duties, and the faithful accountability which has pervaded every part of the system.

Our relations with the numerous tribes of aboriginal natives of this country, scattered over its extensive surface, and so dependant, even for their existence, upon our power, have been, during the present year, highly interesting. An act of congress, of 25th May, 1824, made an appropriation to defray the expenses of making treaties of trade and friendship with the Indian tribes beyond the Mississippi. An act of third March, 1825, authorized treaties to be made with the Indians for their consent to the making of a road from the frontier of Missouri to that of New Mexico. And, another act of the same date, provided for defraying the expenses of holding treaties with the Sioux, Chippewas, Menomenees, Sauks, Foxes, &c. for the purpose of establishing boundaries and promoting peace between said tribes. —The first and the last objects of these acts have been accomplished; and the second is yet in a process of execution. The treaties which, since the last session of congress, have been concluded with the several tribes, will be laid before the senate for their consideration, conformably to the constitution. They comprise large and valuable acquisitions of territory; and they secure an adjustment of boundaries, and give pledges of permanent peace between several tribes which had been long waging bloody wars against each other.

On the 12th of February last, a treaty was signed at the Indian Springs, between commissioners appointed on the part of the United States, and certain chiefs and individuals of the Creek nation of Indians, which was received at the seat of government only a few days before the close of the last session of congress, and of the late administration. The advice and consent of the senate was given to it on the 3d of March, too late for it to receive the ratification of the then president of the United States, it was ratified on the 7th of March, under the unsuspecting impression that it had been negotiated in good faith, and in the confidence inspired by the recommendation of the senate. The subsequent transactions in relation to this treaty, will form the subject of a separate message.

The appropriations made by congress, for public works, as well in the construction of fortifications as for purposes of internal improvement, so far as they have been expended, have been faithfully applied. Their progress has been delayed by the want of suitable officers for superintending them. An increase of both the corps of engineers, military and topographical, was recommended by my predecessor at the last session of congress. The reasons upon which that recommendation was founded, subsist in all their force, and have acquired additional urgency since that time. It may also be expedient to organize the topographical engineers into a corps similar to the present establishment of the corps of engineers. The military academy at West Point, will furnish, from the cadets annually graduated there, officers well qua-

lified for carrying this measure into effect.

The board of engineers, for internal improvement, appointed for carrying into execution the act of congress of the 30th of April, 1824, "to procure the necessary surveys, plans and estimates, on the subject of roads and canals," have been actively engaged in that service from the close of the last session of congress. They have completed the surveys, necessary for ascertaining the practicability of a canal from the Chesapeake bay to the Ohio river, and are preparing a full report on that subject; which, when completed, will be laid before you. The same observation is to be made with regard to the two other objects of national importance, upon which the board have been occupied; namely, the accomplishment of a national road from this city to New Orleans, and the practicability of uniting the waters of lake Memphramagog with Connecticut river, and the improvement of the navigation of that river. The surveys have been made, and are nearly completed. The report may be expected at an early period during the present session of congress.

The acts of congress of the last session, relative to the surveying, marking, or laying out roads in the territories of Florida, Arkansas and Michigan, from Missouri to Mexico, and for the continuation of the Cumberland road, are, some of them, fully executed, and others in the process of execution. Those for completing or commencing fortifications, have been delayed only so far as the corps of engineers has been inadequate to furnish officers for the necessary superintendence

of the works. Under the act confirming the statutes of Virginia and Maryland, incorporating the Chesapeake and Ohio canal company, three commissioners on the part of the United States, have been appointed for opening books and receiving subscriptions, in concert with a like number of commissioners appointed on the part of each of those states. A meeting of the commissioners has been postponed to await the definitive report of the board of engineers. The lighthouses and monuments for the safety of our commerce and mariners, the works for the security of Plymouth Beach, and for the preservation of the Islands in Boston harbor, have received the attention required by the laws relating to those objects respectively. The continuation of the Cumberland road, the most important of them all, after surmounting no inconsiderable difficulty in fixing upon the direction of the road, has commenced under the most promising auspices, with the improvements of recent invention in the mode of construction, and with the advantage of a great reduction in the comparative cost of the work.

The operation of the laws relating to the revolutionary pensioners may deserve the renewed consideration of congress: The act of 18th March, 1818, while it made provision for many meritorious and indigent citizens, who had served in the war of independence, opened a door to numerous abuses and impositions. To remedy this, the act of 1st May, 1820, exacted proofs of absolute indigence, which many, really in want, were unable, and all, susceptible of that delicacy which is allied to many virtues, must be deeply reluctant to give.

The result has been, that some among the least deserving have been retained, and some, in whom the requisites both of worth and want were combined, have been stricken from the list. As the numbers of these venerable relics, of an age gone by, diminish; as the decays of body, mind, and estate, of those that survive, must, in the common course of nature, increase, should not a more liberal portion of indulgence be dealt out to them? May not the want, in most instances, be inferred from the demand, when the service can be duly proved; and may not the last days of human infirmity be spared the mortification of purchasing a pittance of relief only by the exposure of its own necessities? I submit to congress the expediency either of providing for individual cases of this description, by special enactment, or of revising the act of 1st May, 1820, with a view to mitigate the rigor of its exclusions, in favor of persons to whom charity now bestowed, can scarcely discharge the debt of justice.

The portion of the naval force of the union in actual service, has been chiefly employed on three stations; the Mediterranean, the coasts of South America bordering on the Pacific Ocean, and the West Indies. An occasional cruiser has been sent to range along the African shores most polluted by the traffic of slaves; one armed vessel has been stationed on the coast of our eastern boundary, to cruise along the fishing grounds in Hudson's bay, and on the coast of Labrador; and the first service of a new frigate has been performed in restoring to his native soil, and domestic enjoyments, the veteran hero

whose youthful blood and treasure had freely flowed in the cause of our country's independence, and whose whole life had been a series of services and sacrifices to the improvement of his fellow-men. The visit of general Lafayette, alike honorable to himself and to our country, closed, as it had commenced, with the most affecting testimonials of devoted attachment on his part, and of unbounded gratitude of this people to him in return. It will form, hereafter, a pleasing incident in the annals of our union, giving to real history the intense interest of romance, and signally marking the unpurchasable tribute of a great nation's social affections to the disinterested champion of the liberties of human kind.

The constant maintenance of a small squadron in the Mediterranean is a necessary substitute for the humiliating alternative of paying tribute for the security of our commerce in that sea, and for a precarious peace, at the mercy of every caprice of four Barbary states, by whom it was liable to be violated. An additional motive for keeping a respectable force stationed there at this time, is found in the maritime war raging between the Greeks and the Turks; and in which the neutral navigation of this union is always in danger of outrage and depredation. A few instances have occurred of such depredations upon our merchant vessels, by privateers or pirates, wearing the Grecian flag, but without real authority from the Greek or any other government. The heroic struggles of the Greeks themselves, in which our warmest sympathies as freemen and christians have been engaged, have con-

tinued to be maintained with vicissitudes of success adverse and favorable.

Similar motives have rendered expedient the keeping of a like force on the coasts of Peru and Chili on the Pacific. The irregular and convulsive character of the war upon the shores has been extended to the conflicts upon the ocean. An active warfare has been kept up for years, with alternate success, though generally to the advantage of the American patriots. But their naval forces have not always been under the control of their own governments. Blockades, unjustifiable upon any acknowledged principles of international law, have been proclaimed by officers in command; and, though disavowed by the supreme authorities, the protection of our own commerce against them has been made cause of complaint, and of erroneous imputations upon some of the most gallant officers of our navy. Complaints, equally groundless, have been made by the commanders of the Spanish royal forces in those seas; but the most effective protection to our commerce has been the flag and the firmness of our own commanding officers. The cessation of the war, by the complete triumph of the patriot cause, has removed, it is hoped, all cause of dissension with one party, and all vestige of force of the other. But an unsettled coast of many degrees of latitude, forming a part of our own territory, and a flourishing commerce and fishery, extending to the islands of the Pacific and to China, still require that the protecting power of the union should be displayed under its flag, as well upon the ocean as upon the land.

The objects of the West India squadron, have been to carry into execution the laws for the suppression of the African slave trade; for the protection of our commerce against vessels of piratical character, though bearing commissions from either of the belligerent parties: for its protection against open and unequivocal pirates. These objects, during the present year, have been accomplished more effectually than at any former period. The African slave trade has long been excluded from the use of our flag, and if some few citizens of our country have continued to set the laws of the union, as well as those of nature and humanity at defiance, by persevering in that abominable traffic, it has been only by sheltering themselves under the banners of other nations, less earnest for the total extinction of the trade than ours. The irregular privateers have, within the last year, been, in a great measure, banished from those seas, and the pirates, for months past, appear to have been almost entirely swept away from the borders and the shores of the two Spanish islands in those regions. The active, persevering, and unremitted energy of captain Warrington, and of the officers and men under his command, on that trying and perilous service, have been crowned with signal success, and are entitled to the approbation of their country. But experience has shown, that not even a temporary suspension or relaxation from assiduity can be indulged on that station, without reproducing piracy and murder in all their horrors; nor is it probable, that for years to come, our immensely valuable commerce in those seas can navigate in security, without the

steady continuance of an armed force devoted to its protection.

It were, indeed, a vain and dangerous illusion to believe, that in the present or probable condition of human society, a commerce so extensive and so rich as ours, could exist and be pursued in safety, without the continual support of a military marine; the only arm by which the power of this confederacy can be estimated or felt by foreign nations, and the only standing military force which can never be dangerous to our own liberties at home. A permanent naval peace establishment, therefore, adapted to our present condition, and adaptable to that gigantic growth with which the nation is advancing in its career, is among the subjects which have already occupied the foresight of the last congress, and which will deserve your serious deliberations. Our navy commenced at an early period of our present political organization, upon a scale commensurate with the incipient energies, the scanty resources, and the comparative indigence of our infancy, was even then found adequate to cope with all the powers of Barbary, save the first, and with one of the principal maritime powers of Europe. At a period of further advancement, but with little accession of strength, it not only sustained with honor the most unequal of conflicts, but covered itself and our country with unfading glory. But it is only since the close of the late war, that by the number and force of the ships of which it is composed, it could deserve the name of a navy. Yet it retains nearly the same organization as when it consisted only of five frigates. The rules and regu-

lations by which it is governed, urgently call for revision, and the want of a naval school of instruction, corresponding with the military academy at West Point, for the formation of scientific and accomplished officers, is felt with daily increasing aggravation.

The act of congress of 26th May, 1824, authorising an examination and survey of the harbor of Charleston, in South Carolina, of St. Mary's, in Georgia, and of the coast of Florida, and for other purposes, has been executed so far as the appropriation would admit. Those of the 3d of March last, authorizing the establishment of a navy yard and depot on the coast of Florida, in the gulf of Mexico, and authorising the building of ten sloops of war, and for other purposes, are in the course of execution; for the particulars of which, and other objects connected with this department, I refer to the report of the secretary of the navy, herewith communicated.

A report from the postmaster general is also submitted, exhibiting the present flourishing condition of that department. For the first time, for many years, the receipts for the year ending on the 1st of July last, exceeded the expenditures during the same period, to the amount of more than forty-five thousand dollars. Other facts, equally creditable to the administration of the department are, that in two years from the first of July, 1823, an improvement of more than one hundred and eighty-five thousand dollars in its pecuniary affairs has been realized; that in the same interval the increase of the transportation of the mail has exceeded one million five hundred thousand miles, annually; and that



one thousand and forty new post offices have been established. It hence appears, that under judicious management, the income from this establishment may be relied on as fully adequate to defray its expenses; and that, by the discontinuance of post-roads, altogether unproductive, others of more useful character may be opened, till the circulation of the mail shall keep pace with the spread of our population; and the comforts of friendly correspondence, the exchanges of internal traffic, and the lights of the periodical press, shall be distributed to the remotest corners of the union, at a charge scarcely perceptible to any individual, and without the cost of a dollar to the public treasury.

Upon this first occasion of addressing the legislature of the union, with which I have been honored in presenting to their view the execution, so far as it has been effected, of the measures sanctioned by them, for promoting the internal improvement of our country, I cannot close the communication without recommending to their calm and persevering consideration the general principle in a more enlarged extent. The great object of the institution of civil government is, the improvement of the condition of those who are parties to the social compact; and no government, in whatever form constituted, can accomplish the lawful ends of its institution, but in proportion as it improves the condition of those over whom it is established. Roads and canals, by multiplying and facilitating the communications and intercourse between distant regions, and multitudes of men, are among the most important means of improvement. But

moral, political, intellectual improvement, are duties assigned by the author of our existence, to social, no less than to individual man. For the fulfilment of those duties, governments are invested with power, and to the attainment of the end, the progressive improvement of the condition of the governed, the exercise of delegated power is a duty as sacred and indispensable as the usurpation of power not granted is criminal and odious. Among the first, perhaps the very first instrument for the improvement of the condition of men, is knowledge; and to the acquisition of much of the knowledge adapted to the wants, the comforts and enjoyments of human life, public institutions and seminaries of learning are essential. So convinced of this was the first of my predecessors in this office, now first in the memory, as, living, he was first in the hearts of our country, that once and again in his addresses to the congresses, with whom he co-operated in the public service, he earnestly recommended the establishment of seminaries of learning, to prepare for all the emergencies of peace and war—a national university, and a military academy. With respect to the latter, had he lived to the present day, in turning his eyes to the institution at West Point, he would have enjoyed the gratification of his most earnest wishes. But, in surveying the city which has been honored with his name, he would have seen the spot of earth which he had destined and bequeathed to the use and benefit of his country, as the site for an university, still bare and barren.

In assuming her station among the civilised nations of the earth, it would seem that our country had

contracted the engagement to contribute her share of mind, of labor, and of expense, to the improvement of those parts of knowledge which lie beyond the reach of individual acquisition ; and particularly to geographical and astronomical science. Looking back to the history only of the half century since the declaration of our independence, and observing the generous emulation with which the governments of France, Great Britain, and Russia, have devoted the genius, the intelligence, the treasures of their respective nations, to the common improvement of the species in these branches of science, is it not incumbent upon us to inquire, whether we are not bound by obligations of a high and honorable character, to contribute our portion of energy and exertion, to the common stock ? The voyages of discovery, prosecuted in the course of that time, at the expense of those nations, have not only redounded to their glory, but to the improvement of human knowledge. We have been partakers of that improvement, and owe for it a sacred debt, not only of gratitude, but of equal or proportional exertion in the same common cause. Of the cost of these undertakings, if the mere expenditures of outfit, equipment, and completion of the expeditions, were to be considered the only charges, it would be unworthy of a great and generous nation to take a second thought. One hundred expeditions of circumnavigation, like those of Cook and La Perouse, would not burden the exchequer of the nation fitting them out, so much as the ways and means of defraying a single campaign in war. But if we take into the account the lives of those be-

nefactors of mankind, of which their services in the cause of their species were the purchase, how shall the cost of those heroic enterprises be estimated ? And what compensation can be made to them, or to their countries for them ? Is it not by bearing them in affectionate remembrance ? Is it not still more, by imitating their example ? by enabling countrymen of our own to pursue the same career, and to hazard their lives in the same cause ?

In inviting the attention of congress to the subject of internal improvements, upon a view thus enlarged, it is not my design to recommend the equipment of an expedition for circumnavigating the globe for purposes of scientific research and inquiry. We have objects of useful investigation nearer home, and to which our cares may be more beneficially applied. The interior of our own territories has yet been very imperfectly explored. Our coasts, along many degrees of latitude upon the shores of the Pacific ocean, though much frequented by our spirited commercial navigators, have been barely visited by our public ships. The River of the West, first fully discovered and navigated by a countrymen of our own, still bears the name of the ship in which he ascended its waters, and claims the protection of our armed national flag at its mouth. With the establishment of a military post there, or at some other point of that coast, recommended by my predecessor, and already matured, in the deliberations of the last congress, I would suggest the expediency of connecting the equipment of a public ship for the exploration of the whole north-west coast of this continent.



The establishment of an uniform standard of weights and measures was one of the specific objects contemplated in the formation of our constitution, and to fix that standard was one of the powers delegated by express terms, in that instrument to congress. The governments of Great Britain and France have scarcely ceased to be occupied with inquiries and speculations on the same subject, since the existence of our constitution; and with them it has expanded into profound, laborious, and expensive researches into the figure of the earth, and the comparative length of the pendulum vibrating seconds in various latitudes from the equator to the pole. These researches have resulted in the composition and publication of several works highly interesting to the cause of science. The experiments are yet in the process of performance. Some of them have recently been made on our own shores, within the walls of one of our own colleges, and partly by one of our own fellow-citizens. It would be honorable to our country, if the sequel of the same experiments should be countenanced by the patronage of our government, as they have hitherto been by those of France and Britain.

Connected with the establishment of an university, or separate from it, might be undertaken the erection of an astronomical observatory, with provision for the support of an astronomer, to be in constant attendance of observation upon the phenomena of the heavens; and for the periodical publication of his observations. It is with no feeling of pride, as an American, that the remark may be made, that on the comparatively

small territorial surface of Europe, there are existing upwards of one hundred and thirty of these light-houses of the skies; while throughout the whole American hemisphere there is not one. If we reflect a moment upon the discoveries, which, in the last four centuries, have been made in the physical constitution of the universe, by the means of these buildings, and of observers stationed in them, shall we doubt of their usefulness to every nation? And while scarcely a year passes over our heads without bringing some new astronomical discovery to light, which we must fain receive at second-hand from Europe, are we not cutting ourselves off from the means of returning light for light, while we have neither observatory nor observer upon our half of the globe, and the earth revolves in perpetual darkness to our unsearching eyes?

When, on the 25th of October, 1791, the first president of the United States announced to congress the first result of the first enumeration of the inhabitants of this union, he informed them that the returns gave the pleasing assurance that the population of the United States bordered on four millions of persons. At the distance of 30 years, from that time, the last enumeration, five years since completed, presented a population bordering upon ten millions. Perhaps, of all the evidences of a prosperous and happy condition of human society, the rapidity of the increase of population is most unequivocal. But the demonstration of our prosperity rests not alone upon this indication. Our commerce, our wealth, and the extent of our territories, have increased in corre-

sponding proportions ; and the number of independent communities associated in our federal union, has, since that time, nearly doubled. The legislative representation of the states and people, in the two houses of congress, has grown with the growth of their constituent bodies. The house, which then consisted of 65 members, now numbers upwards of two hundred. The senate, which consisted of twenty-six members, has now forty-eight. But the executive, and still more the judiciary department, are yet, in a great measure, confined to their primitive organization, and are now not adequate to the urgent wants of a still growing community.

The naval armaments, which, at an early period, forced themselves upon the necessities of the union, soon led to the establishment of a department of the navy. But the departments of foreign affairs, and of the interior, which, early after the formation of the government had been united in one, continue so united at this time, to the unquestionable detriment of the public service. The multiplication of our relations with the nations and governments of the old world, has kept pace with that of our population and commerce, while within the last ten years a new family of nations, in our own hemisphere, has arisen among the inhabitants of the earth, with whom our intercourse, commercial and political, would of itself furnish occupation to an active and industrious department. The constitution of the judiciary, experimental and imperfect as it was, even in the infancy of our existing government, is yet more inadequate to the administration of national justice at our

present maturity. Nine years have elapsed since a predecessor in this office, now not the last, the citizen, who, perhaps, of all others throughout the union, contributed most to the formation and establishment of our constitution, in his valedictory address to congress, immediately preceding his retirement from public life, urgently recommended the revision of the judiciary, and the establishment of an additional executive department. The exigencies of the public service, and its unavoidable deficiencies, as now in exercise, have added yearly cumulative weight to the considerations presented by him as persuasive to the measure ; and in recommending it to your deliberations, I am happy to have the influence of his high authority, in aid of the undoubting convictions of my own experience.

The laws relating to the administration of the patent office are deserving of much consideration, and, perhaps, susceptible of some improvement. The grant of power to regulate the action of congress on this subject has specified both the end to be attained, and the means by which it is to be effected. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries. If an honest pride might be indulged in the reflection, that on the records of that office are already found inventions the usefulness of which has scarcely been transcended in the annals of human ingenuity, would not its exultation be allayed by the inquiry, whether the laws have effectively insured to the inventors the reward destined to them by the con-

stitution, even a limited term of exclusive right to their discoveries ?

On the 24th of December, 1799, it was resolved by congress that a marble monument should be erected by the United States, in the capitol at the city of Washington : that the family of general Washington should be requested to permit his body to be deposited under it ; and that the monument be so designed as to commemorate the great events of his military and political life. In reminding congress of this resolution, and that the monument contemplated by it remains yet without execution, I shall indulge only the remarks, that the works in the capitol are approaching to completion : That the consent of the family desired by the resolution, was requested and obtained : That a monument has been recently erected in this city, at the expense of the nation, over the remains of another distinguished patriot of the revolution ; and that a spot has been reserved within the walls where you are deliberating for the benefit of this and future ages, in which the mortal remains may be deposited of him whose spirit hovers over you, and listens with delight, to every act of the representatives of his nation which can tend to exalt and adorn his and their country.

The constitution under which you are assembled is a charter of limited powers ; after full and solemn deliberation upon all or any of the objects which, urged by an irresistible sense of my own duty, I have recommended to your attention, should you come to the conclusion, that, however desirable, in themselves, the enactment of laws for effecting them, would transcend

the powers committed to you by that venerable instrument which we are all bound to support, let no consideration induce you to assume the exercise of powers not granted to you by the people. But if the power to exercise exclusive legislation in all cases whatsoever over the district of Columbia ; if the power to lay and collect taxes, duties, imposts and excises, to pay the debts, and provide for the common defence and general welfare of the United States ; if the power to regulate commerce with foreign nations and among the several states, and with the Indian tribes ; to fix the standard of weights and measures ; to establish post-offices and post roads ; to declare war ; to raise and support armies ; to provide and maintain a navy ; to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States ; and to make all laws which shall be necessary and proper for carrying these powers into execution : If these powers, and others enumerated in the constitution, may be effectually brought into action by laws promoting the improvement of agriculture, commerce and manufactures, the cultivation and encouragement of the mechanic and of the elegant arts, the advancement of literature, and the progress of the sciences, ornamental and profound, to refrain from exercising them for the benefit of the people themselves, would be to hide in the earth the talent committed to our charge—would be treachery to the most sacred of trusts.

The spirit of improvement is abroad upon the earth. It stimulates the heart, and sharpens the faculties, not of our fellow-citizens

alone, but of the nations of Europe, and of their rulers. While dwelling with pleasing satisfaction upon the superior excellence of our political institutions, let us not be unmindful that liberty is power; that the nation blessed with the largest portion of liberty, must, in proportion to its numbers, be the most powerful nation upon earth; and that the tenure of power by man, is, in the moral purposes of his Creator, upon condition that it shall be exercised to ends of beneficence, to improve the condition of himself and his fellow-men. While foreign nations, less blessed with that freedom which is power, than ourselves, are advancing with gigantic strides in the career of public improvement, were we to slumber in indolence, or fold up our arms and proclaim to the world that we are palsied by the will of our constituents, would it not be to cast away the bounties of Providence, and doom ourselves to perpetual inferiority? In the course of the year now drawing to its close, we have beheld, under the auspices, and at the expense of one state of this union, a new university unfolding its portals to the sons of science, and holding up the torch of human improvement to eyes that seek the light. We have seen, under the persevering and enlightened enterprise of another

state, the waters of our western lakes mingled with those of the ocean. If undertakings like these have been accomplished in the compass of a few years, by the authority of single members of our confederation, can we, the representative authorities of the whole union, fall behind our fellow-servants in the exercise of the trust committed to us for the benefit of our common sovereign, by the accomplishment of works important to the whole, and to which neither the authority nor the resources of any one state can be adequate?

Finally, fellow-citizens, I shall await with cheering hope, and faithful co-operation, the result of your deliberations; assured that, without encroaching upon the powers reserved to the authorities of the respective states, or to the people, you will, with a due sense of your obligations to your country, and of the high responsibilities weighing upon yourselves, give efficacy to the means committed to you for the common good. And may He who searches the hearts of the children of men prosper your exertions to secure the blessings of peace, and promote the highest welfare of our country.

JOHN QUINCY ADAMS.

Washington, Dec. 6, 1825.

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*Boundary of the UNITED STATES on the PACIFIC OCEAN.*

MR. ADAMS TO MR. RUSH.

*Department of State,*  
Washington, July 22d, 1823.

Sir—Among the subjects of negotiation with Great Britain which are pressing upon the attention of this government, is the present condition of the Northwest Coast

of this continent. This interest is connected, in a manner becoming, from day to day, more important, with our territorial rights; with the whole system of our intercourse with the Indian tribes; with the boundary relations be-

tween us and the British North American dominions ; with the fur trade ; the fisheries in the Pacific Ocean ; the commerce with the Sandwich Islands and China ; with our boundary upon Mexico ; and lastly, with our political standing and intercourse with the Russian Empire.

By the third article of the convention between the United States and Great Britain, of 20th October, 1818, it is agreed, that, " any country that may be claimed by either party, on the Northwest Coast of America, westward of the Stony Mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open for the term of ten years, from the date of the signature of the convention, to the vessels, citizens, and subjects, of the two powers : it being well understood, that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of the said country ; nor shall it be taken to affect the claims of any other power or state, to any part of the said country : the only object of the high contracting parties, in that respect, being to prevent disputes and differences amongst themselves."

On the 6th of October, 1818, fourteen days before the signature of this convention, the settlement at the mouth of the Columbia river had been formally restored to the United States, by order of the British government. (Message P. U. S. to H. R. 15th April, 1822, p. 13. Letter of Mr. Prevost to the secretary of state, of 11th Nov. 1818.)

By the treaty of amity, settle-

ment, and limits, between the United States and Spain, of 22d February, 1819, the boundary line between them was fixed at the 42° of lat. from the source of the Arkansas river to the South sea. By which treaty, the United States acquired all the rights of Spain north of that parallel.

The right of the United States to the Columbia river, and to the interior territory washed by its waters, rests upon its discovery from the sea, and nomination, by a citizen of the United States ; upon its exploration to the sea by captains Lewis and Clarke ; upon the settlement of Astoria, made under the protection of the United States, and thus restored to them in 1818 ; and upon the subsequent acquisition of all the rights of Spain, the only European power who, prior to the discovery of the river, had *any* pretensions to territorial rights on the Northwest Coast of America.

The waters of the Columbia river extend, by the Multnomah, to the 42° of lat. where its source approaches within a few miles of those of Platte and Arkansas, and by Clarke's river, to the 50th or 51st degree of lat. ; thence descending southward till its sources almost intersect those of the Missouri.

To the territory thus watered and immediately contiguous to the original possessions of the United States, as first bounded by the Mississippi, they consider their right to be now established by all the principles which have ever been applied to European settlements upon the American hemisphere.

By the Ukase of the emperor Alexander, of 1<sup>st</sup> September, 1821.

an exclusive territorial right, on the Northwest Coast of America, is asserted as belonging to Russia, and as extending from the northern extremity of the continent to latitude 51, and the navigation and fishery of all other nations are interdicted by the same Ukase, to the extent of 100 Italian miles from the coast.

When Mr. Poletica, the late Russian minister here, was called upon to set forth the grounds of right, conformable to the laws of nations, which authorised the issuing of this decree, he answered, in his letters of 28th February and 2d April, 1822, by alleging, first, discovery, occupancy, and uninterrupted *possession*.

It appears, upon examination, that these claims have no foundation in fact. The right of *discovery*, on this continent, claimed by Russia, is reduced to the probability that, in 1741, captain Tchirikoff saw, from the sea, the mountain called St. Elias, in about the 59th degree of north latitude. The Spanish navigators, as early as 1582, had discovered, as far north as 57° 30'.

As to occupancy, captain Cook, in 1779, had the express declaration of Mr. Ismaloff, the chief of the Russian settlement at Oonalaska, that they *knew nothing* of the continent in America; and in the Nootka Sound controversy, between Spain and Great Britain, it is explicitly stated, in the Spanish documents, that Russia had disclaimed all pretension to interfere with the Spanish exclusive rights to *beyond* Prince William's Sound, lat. 61. No evidence has been exhibited of any Russian settlement on this continent, south and east of Prince William's Sound, to this day, with

the exception of that in California, made in 1816.

It never has been admitted, by the various European nations which have formed settlements in this hemisphere, that the occupation of an *island* gave any claim whatever to territorial possessions on the continent to which it was adjoining. The recognised principle has rather been the reverse; as, by the law of nature, islands must be rather considered as appendages to continents, than continents to islands.

The only color of claim alleged by Mr. Poletica, which has an appearance of plausibility, is that which he asserts as an authentic fact, "that, in 1789, the Spanish packet St. Charles, commanded by captain Haro, found, in the latitude 48 and 49, Russian settlements to the number of eight, consisting, in the whole, of twenty families, and 462 individuals." But, more than twenty years since, Flurieu had shown, in his introduction to the voyage of Marchand, that, in this statement there was a mistake of, at least, ten degrees of latitude; and that, instead of 48 and 49, it should read, 58 and 59. This is, probably, not the only mistake in the account. It rests, altogether, upon the credit of two private letters; one written from St. Blas, and the other from the city of Mexico to Spain, there communicated to a French consul in one of the Spanish ports, and by him to the French minister of marine. They were written in October, 1788, and August, 1789. We have seen that, in 1790, Russia explicitly disclaimed interfering with the exclusive rights of Spain to *beyond* Prince William's Sound, in latitude 61; and Vancouver, in



1794, was informed by the Russians on the spot, that their most *Eastern* settlement there, was on Hinchinbrook Island at Port Etches, which *had been established in the course of the preceding summer*, and that the adjacent continent was a *sterile and uninhabited country*. Until the Nootka Sound contest, Great Britain had never advanced any claim to territory upon the Northwest coast of America, by right of occupation. Under the treaties of 1763, her territorial rights were bounded by the Mississippi.

On the 22d July, 1793, Mackenzie reached the shores of the Pacific, by land, from Cai-da, in latitude  $52^{\circ} 21'$  north, longitude  $128^{\circ} 2'$  west of Greenwich.

It is stated in the 52d number of the Quarterly Review, in the article upon Kotzebue's voyage, "that the whole country, from latitude  $56^{\circ} 30'$  to the United States, in latitude 48, or thereabouts, is now, and has long been, in the actual possession of the British northwest company"—that this company have a post on the borders of a river in latitude  $54^{\circ} 30'$  north, longitude 125 west, and that in latitude  $55^{\circ} 15'$  north, longitude  $129^{\circ} 44'$  west, "by this time, (March, 1822,) the united company of the northwest and Hudson's bay, have, in all probability, formed an establishment."

It is not imaginable that, in the present condition of the world, any European nation should entertain the project of settling a *colony* on the Northwest Coast of America; that the United States should form establishments there, with views of absolute territorial right, and inland communication, is not only to be expected, but is pointed out

by the finger of nature, and has been for years a subject of serious deliberation in congress. A plan has, for several sessions, been before them, for establishing a territorial government on the borders of the Columbia river. It will, undoubtedly, be resumed at their next session, and even if then again postponed, there cannot be a doubt that, in the course of a very few years, it must be carried into effect. As yet, however, the only useful purpose to which the Northwest Coast of America has been, or can be made subservient to the settlements of civilised men, are the fisheries on its adjoining seas, and trade with the aboriginal inhabitants of the country. These have, hitherto, been enjoyed in common by the people of the United States, and by the British and Russian nations. The Spanish, Portuguese, and French nations, have, also, participated in them, hitherto, without other annoyance than that which resulted from the exclusive territorial claims of Spain, so long as they were insisted on by her.

The United States and Great Britain, have both protested against the Russian imperial Ukase, of 16 September, 1821.

Previous to the restoration of the settlement at the mouth of the Columbia river, in 1818, and again, upon the first introduction in congress of the plan for constituting a territorial government there, some disposition was manifested by Sir Charles Bagot and Mr. Canning to dispute the *right* of the United States to that establishment; and some vague intimation was given of British claims on the Northwest Coast. The restoration of the place, and the convention of 1818,

were considered as a final disposal of Mr. Bagot's objections, and Mr. Canning declined committing to paper those which he had intimated in conversation.

The discussion of the Russian pretensions in the negotiation now proposed, necessarily involves the interests of the three powers, and renders it manifestly proper that the United States and Great Britain should come to a mutual understanding, with respect to *their* respective pretensions, as well as upon their joint views with reference to those of Russia.

The principles settled by the Nootka Sound convention of 28th October, 1790, were—

1st. That the rights of fishing in the south seas, of trading with the natives of the Northwest Coast of America; and of making settlements on the coast itself, for the purposes of that trade, north of the *actual* settlements of Spain, were common to all the European nations, and, of course, to the United States.

2d. That so far as the *actual* settlements of Spain had extended, she possessed the exclusive rights, territorial, and of navigation and fishery; extending to the distance of ten miles from the coasts so *actually occupied*.

3d. That, on the coasts of *South America*, and the adjacent islands, *south* of the parts already occupied by Spain, no settlement should thereafter be made either by British or Spanish subjects; but, on both sides, should be retained the liberty of landing and of erecting temporary buildings for the purposes of the fishery. These rights were, also, of course, enjoyed by the people of the United States.

The exclusive rights of Spain to

any part of the American continents have ceased. That portion of the convention, therefore, which recognises the exclusive colonial rights of Spain on these continents, though confirmed, as between Great Britain and Spain, by the first additional article to the treaty of the 5th of July, 1814, has been extinguished by the fact of the independence of the South American nations and of Mexico. Those independent nations will possess the rights incident to that condition, and their territories will, of course, be subject to no *exclusive* right of navigation in their vicinity, or of access to them, by any foreign nation.

A necessary consequence of this state of things, will be, that the American continents, henceforth, will no longer be subject to *colonization*. Occupied by civilised, independent nations, they will be accessible to Europeans, and each other, on that footing alone; and the Pacific Ocean, in every part of it, will remain open to the navigation of all nations, in like manner with the Atlantic.

Incidental to the condition of national independence and sovereignty, the rights of interior navigation of their rivers will belong to each of the American nations within its own territories.

The application of colonial principles of exclusion, therefore, cannot be admitted by the United States as lawful, upon any part of the Northwest Coast of America, or as belonging to any European nation. Their own settlements there, when organized as territorial governments, will be adapted to the freedom of their own institutions, and, as constituent parts of the union, be subject to the princi-



ples and provisions of their constitution.

The right of carrying on trade with the natives throughout the Northwest Coast, they cannot renounce. With the Russian settlements at Kodiack, or at New Archangel, they may fairly claim the advantage of a fur trade, having so long enjoyed it unmolested, and because it has been, and would continue to be, as advantageous, at least, to those settlements as to them. But they will not contest the right of Russia to prohibit the traffic, as strictly confined to the Russian settlement itself, and not extending to the original natives of the coast.

If the British Northwest and Hudson's Bay Companies have any posts on the coast, as suggested in the article of the Quarterly Review, above cited, the 3d article of the convention of the 20th October, 1818, is applicable to them. Mr. Middleton is authorised, by his instructions, to propose an article of similar import, to be inserted in a joint convention between the United States, Great Britain, and Russia, for a term of ten years from its signature. You are authorised to make the same proposal to the British government, and, with a view to draw a definite line of demarkation, for the future, to stipulate that no settlement shall hereafter be made on the Northwest Coast, or on any of the islands thereto adjoining, by Russian subjects south of latitude 55; by citizens of the United States north of latitude 51, or by British subjects, either south of 51 or north of 55. I mention the latitude of 51, as the bound within which we are willing to limit the future settlement of the

United States, because it is not to be doubted that the Columbia river branches as far north as 51, although it is most probably not the Tacoutche Tesse of Mackenzie. As, however, the line already runs in latitude 49, to the Stony Mountains, should it be earnestly insisted upon by Great Britain, we will consent to carry it in continuance, on the same parallel to the sea.

I have the honor to be, with great respect,

Sir, your very humble

And obedient servant,

JOHN QUINCY ADAMS.

Richard Rush, *Envoy Extraordinary and Minister Plenipotentiary U. S. London.*

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*Extract of a LETTER from MR. RUSH to MR. ADAMS, dated August 12th, 1824.*

I now come to the last of the subjects that the president confided to me—that contained in your instructions of the 2d July, 1823, relative to the Northwest Coast of America. Although no arrangement was concluded on this subject, it is not the less incumbent upon me carefully to apprise you of the discussions by which it was marked. They will probably be found not without interest.

I opened this subject with the British plenipotentiaries at the eleventh conference. I remarked, that, although it had been understood in my preparatory conversations with the proper organ of his majesty's government, that the respective territorial or other claims of the United States and Russia, as well as of Great Britain and Russia, regarding the country westward of the Rocky Mountains, were to be matter of separate discussion at St. Petersburg; yet,

that those of the United States and Britain were now, according to the understanding in the same conversations, to be taken up for formal discussion in London.

My government was aware, that the convention of October, 1818, between the United States and Great Britain, one article of which contained a temporary regulation of this interest, had still four years to run; but the president, nevertheless, was of opinion, that the present was not an unsuitable moment for attempting a new and more definite adjustment of the respective claims of the two powers to the country in question. It was a country daily assuming an aspect, political, commercial, and territorial, of more and more interest to the United States. It bore upon their relations with other states, upon their fisheries as well as their commerce in the Pacific, upon their fur trade, and the whole system of their intercourse with vast tribes of the Indians. I reminded the British plenipotentiaries, that, by the third article of the treaty of Washington, of February the twenty-second, 1819, between the United States and Spain, the boundary line between the two countries was fixed, in part, along the southern bank of the Arkansas, to its source, in latitude 42 north, and thence, by that parallel of latitude, to the South sea; and that Spain had also renounced to the United States, by the same article, all her rights north of that parallel. I then made known, at this and other conferences—for, from the extent of the subject, I was unable even to open it all at one conference—what I understood to be the nature of the title of the United States to the whole of the country

north of the parallel stated. I said, that, apart from all the right as thus acquired from Spain, which, however, was regarded by my government as surpassing the right of all other European powers, on that coast, the United States claimed, in their own right, and as their absolute and exclusive sovereignty and dominion, the whole of the country west of the Rocky Mountains, from the 42d to at least as far up as the 51st degree of north latitude. This claim they rested upon their first discovery of the river Columbia, followed up by an effective settlement at its mouth—a settlement which was reduced by the arms of Britain during the late war, but formally surrendered up to the United States at the return of peace.

Their right, by first discovery, they deemed peculiarly strong, having been made not only from the sea by captain Gray, but also from the interior by Lewis and Clarke, who first discovered its sources, and explored its whole inland course to the Pacific ocean. It had been ascertained that the Columbia extended by the river Multnomah, to as low as 42 north; and, by Clarke's river, to a point as high up as 51, if not beyond that point; and to this entire range of country, contiguous to the original dominion of the United States, and made a part of it by the almost intermingling waters of each, the United States, I said, considered their title as established, by all the principles that had ever been applied on this subject by the powers of Europe, to settlements in the American hemisphere. I asserted, that a nation, discovering a country by entering the mouth of its principal river at the sea coast,

must necessarily be allowed to claim and hold, as great an extent of the interior country as was described by the course of such principal river, and its tributary streams: and that the claim, to this extent, became doubly strong, where, as in the present instance, the same river had also been discovered and explored from its very mountain springs to the sea.

Such an union of titles, imparting validity to each other, did not often exist. I remarked, that it was scarcely to be presumed that any European nation would henceforth project any colonial establishment on any part of the Northwest Coast of America, which, as yet, had never been used to any other useful purpose than that of trading with the aboriginal inhabitants, or fishing in the neighboring seas; but that the United States should contemplate, and at one day form, permanent establishments there, was naturally to be expected, as proximate to their own possessions, and falling under their immediate jurisdiction. Speaking of the powers of Europe, who had ever advanced claims to any part of this coast, I referred to the principles that had been settled by the Nootka Sound convention of 1790, and remarked that Spain had now lost all her exclusive colonial rights, that were recognised under that convention, first, by the fact of the independence of the South American states and of Mexico, and next, by her express renunciation of all her rights, of whatever kind, above the 42d degree of north latitude, to the United States. Those new states would, themselves, now possess the rights incident to their condition of political independence, and the claims of the United States above

the 42d parallel, as high up as 60, claims as well in their own right, as by their succession to the title of Spain, would henceforth necessarily preclude other nations from forming colonial establishments upon any part of the American continents. I was, therefore, instructed to say, that my government no longer considered any part of those continents as open to future colonization by any of the powers of Europe, and that this was a principle upon which I should insist in the course of the negotiation.

I added, that the United States did not desire to interfere with the actual settlements of other nations on the Northwest Coast of America, and that, in regard to those which Great Britain might have formed above the 51st degree of latitude, they would remain, with all such rights of trade with the natives, and rights of fishery, as those settlements had enjoyed hitherto. As regarded future settlements, by either of the parties, I said that it was the wish of my government to regulate these upon principles that might be mutually satisfactory, and tend to prevent all collision. I was, therefore, instructed to propose, first, the extension to a further term of ten years, of the third article of the convention of October, 1818; and secondly, that Britain should stipulate, during the like term, that no settlement should be made by any of her subjects on the Northwest Coast of America, or the islands adjoining, either south of the fifty-first degree of latitude, or north of the fifty-fifth degree: the United States stipulating that none should be made by their citizens north of the fifty-first degree.

It is proper, now, that I should

give you faithful information of the manner in which the British plenipotentiaries received my proposal, and the principles under which I had introduced it. I may set out by saying, in a word, that they totally declined the one, and totally denied the other. They said that Great Britain considered the whole of the unoccupied parts of America, as being open to her future settlements, in like manner as heretofore. They included within these parts, as well that portion of the Northwest Coast, lying between the 42d and 51st degrees of latitude, as any other parts. The principle of colonization on that coast, or elsewhere, on any portion of those continents not yet occupied, Great Britain was not prepared to relinquish. Neither was she prepared to accede to the exclusive claim of the United States. She had not, by her convention with Spain, in 1790, or at any other period, conceded to that power any exclusive rights on that coast, where actual settlements had not been formed. She considered the same principles applicable to it now, as then. She could not concede to the United States, who held the Spanish title, claims which she had felt herself obliged to resist, when advanced by Spain, and on her resistance to which, the credit of Great Britain had been thought to depend.

Nor could Great Britain at all admit, the plenipotentiaries said, the claim of the United States, as founded on their own first discovery. It had been objectionable with her in the negotiation of 1818, and had not been admitted since. Her surrender to the United States of the post at Columbia river, after the late war, was in fulfilment of

the provisions of the first article of the treaty of Ghent, without affecting questions of right on either side. Britain did not admit the validity of the discovery by captain Gray. He had only been on an enterprise of his own, as an individual, and the British government was yet to be informed under what principles or usage, among the nations of Europe, his having first entered or discovered the mouth of the river Columbia, admitting this to have been the fact, was to carry after it such a portion of the interior country as was alleged. Great Britain entered her dissent to such a claim; and, least of all, did she admit that the circumstance of a merchant vessel of the United States having penetrated the coast of that continent at Columbia river, was to be taken to extend a claim in favor of the United States along the same coast, both above and below that river, over latitudes that had been previously discovered and explored by Great Britain herself, in expeditions fitted out under the authority, and with the resources of the nation. This had been done by captain Cook, to speak of no others, whose voyage was, at least, prior to that of captain Gray. On the coast, only a few degrees south of the Columbia, Britain had made purchases of territory from the natives before the United States were an independent power; and upon that river itself, or upon rivers that flowed into it, west of the Rocky Mountains, her subjects had formed settlements coeval with, if not prior to, the settlement by American citizens at its mouth.

Such is a summary of the grounds taken at the very outset by the British plenipotentiaries, in

opposition to our claims. On my remarking, immediately, and before proceeding to any discussion of them, that I had not before been aware of the extent and character of all these objections, they replied, that it was also for the first time that they had been apprised, in any authentic and full way, of the nature of the claims, as I had now stated them, on behalf of the United States; claims which they said they were bound to declare, at once, Great Britain was wholly unprepared to admit; and, especially, that which aimed at interdicting her from the right of future colonization in America.

Resuming the subject, I said, that it was unknown to my government, that Great Britain had ever even advanced any claim to territory on the Northwest Coast of America, by the right of occupation, before the Nootka Sound controversy. It was clear, that, by the treaty of Paris, of 1763, her territorial rights in America were bounded westward by the Mississippi. The claim of the United States, under the discovery by captain Gray, was, therefore, at all events, sufficient to overreach, in point of time, any that Great Britain could allege along that coast, on the ground of prior occupation or settlement. As to any alleged settlements by her subjects on the Columbia, or on rivers falling into it, earlier, or as early as the one formed by American citizens at Astoria, I knew not of them, and was not prepared to admit the fact. As to the discovery itself of captain Gray, it was not for a moment to be drawn into question. It was a fact before the whole world. The very geographers of Britain had adopted the

name which he had given to this river.

Vancouver himself, undoubtedly the first British navigator who had ever entered it, admitted that he found captain Gray there; and the very instructions to this British officer, drawn up in March, 1791, and to be seen among the records of the British admiralty, expressly referred by name, to the previous expedition in that quarter of the American sloop, the *Washington*. Was this, I asked, to be accounted nothing? Did it lie with a foreign power, whose own archives might supply her with the essential, incontestible fact of the first discovery by the vessel of another power, of a vast river, whose waters, from their source to the ocean, had remained until then totally unknown to all civilised nations—did it lie with such foreign power to say, that the discovery was not made by a national ship, or under national authority? The United States, I said, could admit no such distinction; could never surrender, under it, or upon any ground, their claim to this discovery. The ship of captain Gray, whether fitted out by the government of the United States or not, was a national ship. If she was not so in a technical sense of the word, she was in the full sense of it, applicable to such an occasion. She bore at her stern the flag of the nation, sailed forth under the protection of the nation, and was to be identified with the rights of the nation. The extent of this interior country attaching to this discovery, was founded, I said, upon a principle at once reasonable and moderate—reasonable, because, as discovery was not to be limited to the local spot of a first landing place,

there must be a rule both for enlarging and circumscribing its range; and none more proper than that of taking the water courses which nature had laid down, both as the fair limits of the country, and as indispensable to its use and value—moderate, because the nations of Europe had often, under their rights of discovery, carried their claims much farther. Here I instanced, as sufficient for my purpose, and pertinent to it, the terms in which many of the royal charters and letters patent had been granted by the crown in England, to individuals proceeding to the discovery or settlement of new countries on the American continent: Among others, those from Elizabeth, in 1578, to sir Humphrey Gilbert, and, in 1584, to sir Walter Raleigh: those from James I. to sir Thomas Yates, in 1606 and 1607, and the Georgia charter of 1732. All these, extracts from which I produced, comprehended a range of country fully justifying my remark. By the words of the last, a grant is passed to all territories along the seacoast, from the river Savannah to the most southern stream of “another great river, called the Alatomaha, and westward from the heads of the said rivers, in a direct line, to the South seas.” To show that Britain was not the only European nation, who, in her territorial claims on this continent, had had an eye to the rule of assuming water courses to be the fittest boundaries, I also cited the charter of Louis XIV., to Crozat, by which “all the country drained by the waters emptying directly or indirectly into the Mississippi,” is declared to be comprehended under

the name, and within the limits, of Louisiana.

If Britain had put forth no claims on the Northwest Coast, founded on prior occupation, before the Nootka Sound contest, still less could she ever have established any, I remarked, at any period, founded on prior discovery. Claims of the latter class belonged wholly to Spain, and now, consequently, to the United States. The superior title of Spain on this ground, as well as others, was, indeed, capable of demonstration. Russia had acknowledged it in 1790, as the state papers of the Nootka Sound controversy would show. The memorial of the Spanish court to the British minister, on that occasion, expressly asserted, that, notwithstanding all the attempted encroachments upon the Spanish coasts of the Pacific ocean, Spain had preserved her possessions there entire, possessions which she had constantly, and before all Europe, on that and other occasions, declared to extend to as high at least as the sixtieth degree of north latitude. The very first article of the Nootka Sound convention, attested, I said, the superiority of her title: for, whilst, by it, the nations of Europe generally were allowed to make settlements on that coast, it was only for the purposes of trade with the natives, thereby excluding the right of any exclusive or colonial establishments for other purposes. As to any claim on the part of Britain under the voyage of captain Cook, I remarked, that this was sufficiently superseded, (passing by every thing else,) by the journal of the Spanish expedition from San Blas, in 1775, kept by



Don Antonio Maurelle, for an account of which, I referred the British plenipotentiaries to the work of Daines Barrington, a British author. In that expedition, consisting of a frigate and schooner, fitted out by the viceroy of Mexico, the Northwest Coast was visited in latitude 45, 47, 49, 53, 55, 56, 57, and 58, not one of which points, there was good reason for believing, had ever been explored, or as much as seen, up to that day, by any navigator of Great Britain. There was, too, I said, the voyage of Juan Peres, prior to 1775; that of Aguilar, in 1601, who explored that coast in latitude 45; that of de Fuca, in 1592, who explored it in latitude 48, giving the name, which they still bore, to the straits in that latitude, without going through a much longer list of other early Spanish navigators in that sea, whose discoveries were confessedly of a nature to put out of view those of all other nations. I finished by saying, that, in the opinion of my government, the title of the United States to the whole of that coast, from latitude 42, to as far north as latitude 60, was, therefore, superior to that of Britain, or any other power; first, through the proper claim of the United States by discovery and settlement, and secondly, as now standing in the place of Spain, and holding in their hands all her title.

Neither my remarks nor my authorities, of which I have endeavoured to present an outline, made the impression upon the British plenipotentiaries which I was desirous that they should have produced. They repeated their animated denials of the title of the United States, as alleged to have been acquired by themselves, en-

larging and insisting upon their objections to it, as I have already stated them. Nor were they less decided in their renewed impeachments of the title of Spain. They said, that it was well known to them what had formerly been the pretensions of Spain to absolute sovereignty and dominion in the South seas, and over all the shores of America which they washed; but, that these were pretensions which Britain had never admitted: on the contrary, she had strenuously resisted them. They referred to the note of the British minister to the court of Spain, of May 16th, 1790, in which Britain had not only asserted a full right to an uninterrupted commerce and navigation in the Pacific, but also that of forming, with the consent of the natives, whatever establishments she thought proper on the Northwest Coast, in parts not already occupied by other nations. This had always been the doctrine of Great Britain; and from it, nothing that was due, in her estimation, to other powers, now called upon her in any degree to depart.

As to the alleged prior discoveries of Spain, all along that coast, Britain did not admit them, but with great qualification. She could never admit that the mere fact of Spanish navigators having first seen the coast at particular points, even where this was capable of being substantiated as the fact, without any subsequent or efficient acts of sovereignty or settlement following on the part of Spain, was sufficient to exclude all other nations from that portion of the globe. Besides, they said, even on the score of prior discovery on that coast, at least as far up as the 48th degree of north latitude, Britain



herself had a claim over all other nations.

Here they referred to Drake's expedition in 1578, who, as they said, explored that coast on the part of England, from 37 to 48 north, making formal claim to these limits in the name of Elizabeth, and giving the name of New Albion to all the country which they comprehended. Was this, they asked, to be reputed nothing in the comparison of prior discoveries, and did it not even take in a large part of the very coast now claimed by the United States as of prior discovery on their side? Such was the character of their remarks on this part of the title. In connection with them, they called my attention to the report of a select committee of the house of representatives, in April last, on the subject of Columbia river. There is a letter from general Jesup in this report, adopted by the committee as part of the report, and which, as the British plenipotentiaries said, had acquired importance in the eyes of their government from that fact. They commented upon several passages of this letter, a newspaper copy of which they held in their hands, but chiefly on that part which contains an intimation that a removal from our territory of all British subjects, now allowed to trade on the waters of the Columbia, might become a necessary measure on the part of the United States, as soon as the convention of 1818 had expired. Of this intimation the British plenipotentiaries complained, as one calculated to put Great Britain especially upon her guard, arriving, as the document did, at a moment when a friendly negotiation was pending between the two powers, for the adjustment

of their relative and conflicting claims to that entire district of country. Had I any knowledge, they asked, of this document? I replied that I had not, as communicated to me by my government. All that I could say of it was, and this I would say confidently, that I was sure it had been conceived in no unfriendly spirit towards Great Britain. Yet, I was bound, unequivocally, to re-assert, and so I requested the British plenipotentiaries would consider me as doing, the full and exclusive sovereignty of the United States over the whole of the territory beyond the Rocky Mountains, washed by the river Columbia, in manner and extent as I had stated, subject, of course, to whatever existing conventional arrangements they may have formed in regard to it with other powers. Their title to this whole country they considered as not to be shaken. It had often been proclaimed in the legislative discussions of the nation, and was otherwise public before the world. Its broad and stable foundations were laid in the first uncontradicted discovery of that river, both at its mouth and at its source, followed up by an effective settlement, and that settlement the earliest ever made upon its banks. If a title in the United States, thus transcendent, needed confirmation, it might be sought in their now uniting to it the title of Spain. It was not the intention of the United States, I remarked, to repose upon any of the extreme pretensions of that power to speculative dominion in those seas, which grew up in less enlightened ages, however countenanced in those ages; nor had I, as their plenipotentiary, sought any aid from such pretensions; but, to

the extent of the just claims of Spain, grounded upon her fair enterprise and resources, at periods when her renown for both, filled all Europe, the United States had succeeded, and, upon claims of this character, it had, therefore, become as well their right as their duty to insist. I asserted again the incontestible priority of Spanish discoveries on the coast in question. I referred to the voyage of Cortez, who, in 1537, discovered California: to those of Alarçon and Coronado, in 1540; to that of Cabrillo, in 1542; all of whom were prior to Drake, and the last of whom made the coast, by all the accounts that are given, as high up as latitude 44. As to Drake, I said, that, although Fleurieu, in his introduction to Marchand, did assert that he got as far north as 48, yet Hakluyt, who wrote almost at the time that Drake flourished, informs us that he got no higher than 43, having put back at that point from "the extreme cold." All the later authors or compilers, also, who spoke of his voyage, however they might differ as to the degree of latitude to which he went, adopted from Hakluyt this fact of his having turned back from the intensity of the weather. The preponderance of probability, therefore, I alleged, as well as of authority, was, that Drake did not get beyond 43 along that coast. At all events, it was certain that he had made no settlements there, and the absence of these would, under the doctrine of Great Britain, as applied by her to Spain, prevent any title whatever attaching to his supposed discoveries. They were, moreover, put out of view by the treaty of 1763, by which Britain agreed to consider the Mississippi

as her western boundary upon that continent.

Our discussions, which grew into length, and only a condensed view of which I have aimed at presenting to you, terminated without any change of opinion on either side. They were ended on the side of Great Britain, by her plenipotentiaries repeating, that they found it altogether impossible to accede, either to the proposal of the United States, or to the reasoning invoked in its support. That, nevertheless, they desired to lay a foundation of harmony between the two countries in that part of the globe. That, with this view, and setting aside the discordant principles of the two governments, in the hope of promoting it, they had to propose, first, that the third article of the convention of October, 1818, should now be considered as at an end. Secondly, that, instead of it, the boundary line between the territories, respectively claimed by the two powers, westward of the Rocky Mountains, should be drawn due west, along the 49th parallel of latitude, to the point where it strikes the northeasternmost branch of the Columbia, and thence, down, along the middle of the Columbia, to the Pacific ocean; the navigation of this river to be forever free to the subjects and citizens of both nations: and further, that the subjects or citizens of either should not, in future, be allowed to form settlements within the limits to be thus assigned to the other, with a saving in favor of settlements already formed within the prohibited limits, the proprietors or occupants of which, on both sides, should be allowed to remain ten years longer.

They remarked, that, in submitting it, they considered Great Bri-

tain as departing largely from the full extent of her right, and that, if accepted by the United States, it would impose upon her the necessity, ultimately, of breaking up four or five settlements, formed by her subjects within the limits that would become prohibited; and that they had formed, under the belief of their full right, as British subjects, to settle there. But their government was willing, they said, to make these surrenders, for so they considered them, in a spirit of compromise, on points where the two nations stood so divided.

I instantly declared to the British plenipotentiaries my utter inability to accept such a boundary as they had proposed. I added, at the same time, that I knew how the spirit of just accommodation also animated the government of the United States upon this occasion. That, in compliance with this spirit, and in order to meet Great Britain on ground that might be deemed middle, I would consent so far to vary the terms of my own proposal, annexed to the twelfth protocol, as to shift its southern line as low as 49, in place of 51. I desired it to be understood, that this was the

extreme limit to which I was authorised to go: and that, in being willing to make this change, I too considered the United States as abating their rights, in the hope of being able to put an end to all conflict of claims, between the two nations, to the coast and country in dispute.

The British plenipotentiaries, after having this modification of my first proposal a fortnight under consideration, rejected it, and they made me no new proposal in return.

They did not, in terms, enter their rejection of this, my second proposal, on the protocol, and I did not urge it, thinking that their abstinence, as far as it could have any effect, might tend to leave the door somewhat less permanently closed against re-consideration, should the proposal, as so modified by me, ever be again made. But it is right for me to state, that they more than once declared, at the closing hours of the negotiation, that the boundary marked out in their own written proposal, was one from which the government of the United States must not expect Great Britain to depart.

*General Convention of PEACE, AMITY, COMMERCE, and NAVIGATION,  
between the UNITED STATES OF AMERICA and the FEDERATION of the  
CENTRE OF AMERICA.*

ARTICLE 1st.

There shall be a perfect, firm, and inviolable peace and sincere friendship between the United States of America and the Federation of the Centre of America, in all the extent of their possessions and territories, and between their people and citizens, respectively, without distinction of persons or places.

ARTICLE 2d.

The United States of America, and the Federation of the Centre of America, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations, in respect of commerce and navigation, which

shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

ARTICLE 3d.

The two high contracting parties, being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree, that the citizens of each may frequent all the coasts and countries of the other, and reside and trade there, in all kinds of produce, manufactures, and merchandise, and they shall enjoy all the rights, privileges, and exemptions, in navigation and commerce, which native citizens do or shall enjoy, submitting themselves to the laws, decrees, and usages, there established, to which native citizens are subjected. But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties, respectively, according to their own separate laws.

ARTICLE 4th.

They likewise agree, that whatever kind of produce, manufacture, or merchandise, of any foreign country, can be, from time to time, lawfully imported into the U. States, in their own vessels, may be also imported in vessels of the Federation of the Centre of America; and that no higher or other duties, upon the tonnage of the vessel, or her cargo, shall be levied and collected, whether the importation be made in vessels of the one country, or of the other. And in like manner, that whatever kind of produce, manufactures, or merchandise, of

any foreign country, can be, from time to time, lawfully imported into the Central Republic, in its own vessels, may be also imported in vessels of the United States, and that no higher or other duties, upon the tonnage of the vessel, or her cargo, shall be levied and collected, whether the importation be made in vessels of the one country, or of the other. And they further agree, that whatever may be lawfully exported, or re-exported, from the one country, in its own vessels, to any foreign country, may, in like manner, be exported, or re-exported in the vessels of the other country. And the same bounties, duties, and drawbacks, shall be allowed and collected, whether such exportation, or re-exportation, be made in vessels of the United States, or of the Central Republic.

ARTICLE 5th.

No higher or other duties shall be imposed on the importation into the United States of any articles, the produce or manufactures of the Federation of the Centre of America, and no higher or other duties shall be imposed on the importation into the Federation of the Centre of America, of any articles, the produce or manufactures of the United States, than are, or shall be, payable on the like articles, being the produce or manufactures of any other foreign country; nor shall any higher, or other duties, or charges, be imposed in either of the two countries, on the exportation of any articles to the United States, or to the Federation of the Centre of America, respectively, than such as are payable on the exportation of the like articles to any other foreign country: nor shall any prohibition be imposed on the exportation or im-

portation of any articles, the produce or manufactures of the United States, or of the Federation of the Centre of America, to or from the territories of the United States or to or from the territories of the Federation of the Centre of America, which shall not equally extend to all other nations:

**ARTICLE 6th.**

It is likewise agreed, that it shall be wholly free for all merchants, commanders of ships, and other citizens, of both countries, to manage themselves, their own business, in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandise, by wholesale or retail, as with respect to the loading, unloading and sending off their ships; they being, in all these cases, to be treated as citizens of the country in which they reside, or at least to be placed on a footing with the subjects or citizens of the most favored nation.

**ARTICLE 7th.**

The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandise, or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.

**ARTICLE 8th.**

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions, of the other, with their vessels, whether merchant or of war, public or private, through stress of weather, pursuit of pirates, or enemies, they shall be received and treated with humanity, giving to them all

favor and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

**ARTICLE 9th.**

All the ships, merchandise, and effects, belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports, or dominions, of the other, shall be delivered up to the owners, they proving, in due and proper form, their rights, before the competent tribunals; it being well understood, that the claim should be made within the term of one year by the parties themselves, their attorneys, or agents of the respective governments.

**ARTICLE 10th.**

When any vessel belonging to the citizens of either of the contracting parties, shall be wrecked, foundered, or shall suffer any damage on the coasts, or within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandise and effects, without exacting for it any duty, impost, or contribution whatever, until they may be exported.

**ARTICLE 11th.**

The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament, or

otherwise, and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country, wherein said goods are, shall be subject to pay in like cases: And if, in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance, on account of their character of aliens, there shall be granted to them the term of three years to dispose of the same, as they may think proper, and to withdraw the proceeds without molestation, and exempt from all duties of detraction, on the part of the government of the respective states.

## ARTICLE 12th.

Both the contracting parties promise and engage, formally, to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories, subject to the jurisdiction of the one or the other, transient or dwelling therein; leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors, as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions and sentences of the tribunals, in all

cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited in the said trials.

## ARTICLE 13th.

It is likewise agreed, that the most perfect and entire security of conscience shall be enjoyed by the citizens of both the contracting parties in the countries subject to the jurisdiction of the one and the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country. Moreover, the bodies of the citizens of one of the contracting parties, who may die in the territories of the other, shall be buried in the usual burying grounds, or in other decent or suitable places, and shall be protected from violation or disturbance.

## ARTICLE 14th.

It shall be lawful for the citizens of the United States of America and of the Federation of the Centre of America to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port, to the places of those who are now, or hereafter shall be, at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid, to sail with the ships and merchandise beforementioned, and to trade with the same liberty and security, from the places, ports, and havens, of those who are enemies of both, or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy beforementioned, to neutral places, but also from one place, belonging to an enemy, to



another place, belonging to an enemy, whether they be under the jurisdiction of one power or under several. And it is hereby stipulated, that free ships shall also give freedom to goods, and that every thing shall be deemed to be free and exempt, which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that, although they be enemies to both, or either party, they are not to be taken out of that free ship, unless they are officers or soldiers, and in the actual service of the enemies: Provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers only who recognise this principle; but, if either of the two contracting parties shall be at war with a third, and the other neutral, the flag of the neutral shall cover the property of the enemies, whose governments acknowledge this principle, and not of others.

#### ARTICLE 15th.

It is likewise agreed, that, in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemy's vessels shall be held and considered as enemy's property, and as such shall be liable to detention and con-

fiscation, except such property as was put on board such vessel before the declaration of war, or even afterwards, if it were done without the knowledge of it; but the contracting parties agree, that two months having elapsed after the declaration, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandise of the neutral, embarked in such enemy's ships, shall be free.

#### ARTICLE 16th.

This liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband, and under this name of contraband, or prohibited goods, shall be comprehended—

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuzees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, and granades, bombs, powder, matches, balls, and all other things belonging to the use of these arms.

2dly. Bucklers, helmets, breast plates, coats of mail, infantry belts and clothes, made up in the form and for a military use.

3dly. Cavalry belts and horses, with their furniture.

4thly. And generally all kinds of arms and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared, and formed, expressly to make war by sea or land.

#### ARTICLE 17th.

All other merchandise and things not comprehended in the articles of contraband explicitly enumerated and classified as above, shall be



held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and to avoid all doubt in this particular, it is declared that those places only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

ARTICLE 18th.

The articles of contraband, before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessels will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great and of so large a bulk that they cannot be received on board the capturing ship without great inconvenience; but in this, and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port, for trial and judgment, according to law.

ARTICLE 19th.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy, without knowing that the same is besieged, blockaded, or invested, it is agreed, that every vessel so

circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment, from the commanding officer of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either, that may have entered into such port before the same was actually besieged, blockaded, or invested, by the other, be restrained from quitting such place, with her cargo, nor, if found therein, after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

ARTICLE 20th.

In order to prevent all kind of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed, mutually, that whenever a vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain out of cannon shot, and may send its boat, with two or three men only, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill treatment, for which the commanders of the said armed ships shall be responsible with their persons and property; for which purpose the commanders of said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit. And it is expressly agreed, that the neutral party shall in no case

be required to go on board the examining vessel, for the purpose of exhibiting her papers, or for any other purpose whatever.

ARTICLE 21st.

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed, and do agree, that in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea letters or passports, expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear that the ship really and truly belongs to the citizens of one of the parties; they have likewise agreed, that such ships being laden, besides the said sea-letters or passports, shall also be provided with certificates, containing the several particulars of the cargo, and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same: which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form; without which requisites, said vessel may be detained to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defects shall be satisfied or supplied by testimony entirely equivalent.

ARTICLE 22d.

It is further agreed, that the stipulations above expressed, relative to the visiting and examination of vessels, shall apply only to those which sail without convoy;

and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries—and when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

ARTICLE 23d.

It is further agreed, that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognisance of them. And whenever such tribunal of either party shall pronounce judgment against any vessel or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel, without any delay, he paying the legal fees for the same.

ARTICLE 24th.

Whenever one of the contracting parties shall be engaged in war with another state, no citizen of the other contracting party shall accept a commission, or letter of marque, for the purpose of assisting or co-operating hostilely, with the said enemy, against the said party so at war, under the pain of being treated as a pirate.

ARTICLE 25th.

If, by any fatality, which cannot be expected, and which God forbid, the two contracting parties should be engaged in a war with each other, they have agreed and do agree, now for then, that there

shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business, and transport their effects wherever they please, giving to them the safe conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens of all other occupations, who may be established in the territories or dominions of the United States and of the Federation of the Centre of America shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection; which, in consideration of humanity, the contracting parties engage to give them.

ARTICLE 26th.

Neither the debts due from individuals of the one nation to the individuals of the other, nor shares, nor moneys, which they may have in public funds, nor in public or private banks, shall ever, in any event of war, or of national difference, be sequestered or confiscated.

ARTICLE 27th.

Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed and do agree, to grant to the envoys, ministers, and other public agents, the same favors, immunities and exemptions, which those of the most favored nation do or shall enjoy; it being understood, that whatever favors, immunities or privileges, the United States of America or the Federation of the Centre of America, may find it proper to give the

ministers and public agents of any other power, shall, by the same act, be extended to those of each of the contracting parties.

ARTICLE 28th.

To make more effectual the protection which the United States, and the Federation of the Centre of America shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit consuls and vice-consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities of the consuls and vice-consuls of the most favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such consuls may not seem convenient.

ARTICLE 29th.

In order that the consuls and vice-consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to them, by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent, in due form to the government to which they are accredited; and having obtained their *exequatur*, they shall be held and considered as such, by all the authorities, magistrates, and inhabitants, in the consular district in which they reside.

ARTICLE 30th.

It is likewise agreed, that the consuls, their secretaries, officers, and persons attached to the service of consuls, they not being citizens of the country in which the consul resides, shall be exempt from all public service, and also from all kind of taxes, imposts, and contri-

butions, except those which they shall be obliged to pay on account of commerce, or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside are subject, being in every thing besides subject to the laws of the respective states. The archives and papers of the consulate shall be respected inviolably, and under no pretext whatever shall any magistrate seize, or in any way interfere with them.

ARTICLE 31st.

The said consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country, and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessel's or ship's roll, or other public documents, that those men were part of the said crews; and, on this demand so proved, (saving, however, where the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of the said consuls, and may be put in the public prisons at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

ARTICLE 32d.

For the purpose of more effectually protecting their commerce and navigation, the two contracting

parties do hereby agree, as soon hereafter as circumstances will permit them, to form a consular convention, which shall declare specially the powers and immunities of the consuls and vice-consuls of the respective parties.

ARTICLE 33d.

The United States of America and the Federation of the Centre of America, desiring to make as durable as circumstances will permit, the relations which are to be established between the two parties by virtue of this treaty, or general convention of peace, amity, commerce, and navigation, have declared solemnly, and do agree to the following points:

1st. The present treaty shall remain in full force and virtue for the term of twelve years, to be counted from the day of the exchange of the ratifications, in all the parts relating to commerce and navigation; and in all those parts which relate to peace and friendship, it shall be permanently and perpetually binding on both powers.

2dly. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizen shall be held personally responsible for the same, and the harmony and good correspondence between the two nations shall not be interrupted thereby; each party engaging in no way to protect the offender, or sanction such violation.

3dly. If, (which, indeed, cannot be expected,) unfortunately, any of the articles contained in the present treaty shall be violated or infringed in any other way whatever, it is expressly stipulated, that neither of the contracting parties will order or authorise any acts of re-

prisal, nor declare war against the other, on complaints of injuries or damages, until the said party considering itself offended, shall first have presented to the other a statement of such injuries or damages, verified by competent proof, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed.

4thly. Nothing in this treaty contained shall, however, be construed or operate contrary to former and existing public treaties with other sovereigns or states.

Done in the city of Washington, on the fifth day of December, in the year of our Lord one thousand eight hundred and twenty-five, in the fiftieth year of the Independence of the United States of America, and the fifth of that of the Federation of the Centre of America, in duplicate.

[L. s.] H. CLAY.

[L. s.] ANTONIO JOSE CANAS.

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**MESSAGE of the PRESIDENT concerning the PANAMA MISSION.**

Washington, March 15, 1826.

To the House of Representatives of the United States.

In compliance with the resolution of the house of the 5th ultimo, requesting me to cause to be laid before the house, so much of the correspondence between the government of the United States, and the new States of America or their ministers, respecting the proposed congress, or meeting of diplomatic agents at Panama, and such information respecting the general character of that expected congress, as may be in my possession, and as may, in my opinion, be communicated without prejudice to the public interest; and also, to inform the house, so far as in my opinion the public interest may allow, in regard to what objects the agents of the United States are expected to take part in the deliberations of that congress: I now transmit to the house, a report from the secretary of state, with the correspondence and information requested by the resolution.

With regard to the objects in

which the agents of the United States are expected to take part in the deliberations of that congress, I deem it proper to premise, that these objects did not form the only, nor even the principal motive for my acceptance of the invitation. My first and greatest inducement was to meet, in the spirit of kindness and friendship, an overture made in that spirit by three sister republics of this hemisphere. The great revolution in human affairs which has brought into existence, nearly at the same time, eight sovereign and independent nations in our own quarter of the globe, has placed the United States in a situation not less novel, and scarcely less interesting, than that in which they had found themselves, by their own transition from a cluster of colonies to a nation of sovereign states. The deliverance of the Southern American republics from the oppression under which they had been so long afflicted, was hailed with great unanimity by the people of this union, as among the most auspicious events of the age. On the

4th of May, 1822, an act of congress made an appropriation of one hundred thousand dollars "for such missions to the independent nations on the American continent, as the president of the United States might deem proper."

In exercising the authority, recognized by this act, my predecessor, by and with the advice and consent of the senate, appointed, successively, ministers plenipotentiary to the republics of Colombia, Buenos Ayres, Chili and Mexico. Unwilling to raise, among the fraternity of freedom, questions of precedence and etiquette, which even the European monarchs had of late found it necessary, in a great measure, to discard, he despatched these ministers to Colombia, Buenos Ayres and Chili, without exacting from those republics, as, by the ancient principles of political primogeniture, he might have done, that the compliment of a plenipotentiary mission, should have been paid *first* by them to the United States. The instructions prepared, under his direction, to Mr. Anderson, the first of our ministers to the southern continent, contain, at much length, the general principles, upon which he thought it desirable that our relations, political and commercial, with these our new neighbors, should be established, for their benefit and ours, and that of the future ages of our posterity. A copy of so much of these instructions as relates to these general subjects, is among the papers now transmitted to the house. Similar instructions were furnished to the ministers appointed to Buenos Ayres, Chili and Mexico; and the system of social intercourse, which it was the purpose of those mis-

sions to establish from the first opening of our diplomatic relations with those rising nations, is the most effective exposition of the principles upon which the invitation, to the congress at Panama, has been accepted by me, as well as of the objects of negotiation at that meeting in which it was expected that our plenipotentiaries should take part.

The house will perceive that, even at the date of these instructions, the first treaties between some of the southern republics had been concluded, by which they had stipulated among themselves this diplomatic assembly at Panama. And it will be seen with what caution, so far as it might concern the policy of the United States, and at the same time, with what frankness and good will towards those nations, he gave countenance to their design of inviting the United States to this high assembly for consultation upon *American interests*. It was not considered a conclusive reason for declining this invitation, that the proposal for assembling such a congress had not first been made by ourselves. It had sprung from the urgent, immediate, and momentous common interests of the great communities struggling for independence, and, as it were, quickening into life. From them the proposition to us appeared respectful and friendly; from us to them, it could scarcely have been made, without exposing ourselves to suspicions of purposes of ambition, if not of domination, more suited to rouse resistance and excite distrust, than to conciliate favor and friendship. The first and paramount principle, upon which it was deemed wise and just to lay the corner stone of all



our future relations with them, was *disinterestedness*; the next, was cordial good will to them; the third was a claim of fair and equal reciprocity. Under these impressions, when the invitation was formally and earnestly given, had it even been doubtful, whether *any* of the objects proposed for consideration and discussion at the congress, were such as that immediate and important interests of the United States would be affected by the issue, I should, nevertheless, have determined, so far as it depended on me, to have accepted the invitation, and to have appointed ministers to attend the meeting. The proposal itself implied that the republics, by whom it was made, *believed* that important interests of ours or of theirs, rendered our attendance there desirable. They had given us notice, that, in the novelty of their situation, and in the spirit of deference to our experience, they would be pleased to have the benefit of our friendly counsel. To meet the temper with which this proposal was made, with a cold repulse, was not thought congenial to that warm interest in their welfare, with which the people and government of the union had hitherto gone hand in hand, through the whole progress of the revolution. To insult them by a refusal of their overture, and then invite them to a similar assembly, to be called by ourselves, was an expedient which never presented itself to the mind. I would have sent ministers to the meeting, had it been merely to give them such advice as they might have desired, even with reference to *their own interests*, not involving ours. I would have sent them had it been

merely to explain and set forth to them our reasons for *declining* any proposal of specific measures to which they might desire our concurrence, but which we might deem incompatible with our interests or our duties. In the intercourse between nations, temper is a missionary, perhaps more powerful than talent. Nothing was ever lost by kind treatment. Nothing can be gained by sullen repulses and aspiring pretensions.

But objects of the highest importance, not only to the future welfare of the whole human race, but bearing directly upon the special interests of this union, *will* engage the deliberations of the congress of Panama, whether we are represented there or not. Others, if we are represented, may be offered by our plenipotentiaries, for consideration, having in view both these great results, our own interests, and the improvement of the condition of man upon earth. It may be, that, in the lapse of many centuries, no other opportunity, so favorable, will be presented to the government of the United States, to subserve the benevolent purposes of Divine Providence, to dispense the promised blessings of the Redeemer of mankind; to promote the prevalence in future ages, of peace on earth and good will to man, as will now be placed in their power, by participating in the deliberations of this congress.

Among the topics enumerated in official papers, published by the republic of Colombia, and adverted to in the correspondence now communicated to the house, as intended to be presented for discussion at Panama, there is scarcely one in which the *result* of the meeting will not deeply affect the interests



of the United States. Even those in which the belligerent states alone will take an active part, will have a powerful effect upon the state of our relations with the American, and probably with the principal European states. Were it merely that we might be correctly and speedily informed of the proceedings of the congress, and of the progress and issue of their negotiations, I should hold it advisable, that we should have an accredited agency with them, placed in such confidential relations with the other members, as would ensure the authenticity and the safe and early transmission of its reports. Of the same enumerated topics, are the preparation of a manifesto, setting forth to the world the justice of their cause, and the relations they desire to hold with other Christian powers; and to form a convention of navigation and commerce, applicable both to the confederated states and to their allies.

It will be within the recollection of the house, that, immediately after the close of the war for our independence, a measure closely analogous to this congress of Panama, was adopted by the congress of our confederation, and for purposes of precisely the same character. Three commissioners, with plenipotentiary powers, were appointed to negotiate treaties of amity, navigation, and commerce, with all the principal powers of Europe. They met and resided for that purpose about one year at Paris; and the only result of their negotiations, at that time, was the first treaty between the United States and Prussia, memorable in the diplomatic annals of the world, and precious as a monument of the principles, in relation to commerce

and maritime warfare, with which our country entered upon her career as a member of the great family of independent nations. This treaty, prepared in conformity with the instructions of the American plenipotentiaries, consecrated three fundamental principles of the foreign intercourse, which the congress of that period were desirous of establishing.—First, equal reciprocity, and the mutual stipulation of the privileges of the most favored nation in the commercial exchanges of peace. Secondly, the abolition of private war upon the ocean; and thirdly, restrictions favorable to neutral commerce, upon belligerent practices, with regard to contraband of war and blockades. A painful, it may be said a calamitous, experience, of more than forty years, has demonstrated the deep importance of these same principles, to the peace and prosperity of this nation, and to the welfare of all maritime states, and has illustrated the profound wisdom with which they were assumed as cardinal points of the policy of the union.

At that time, in the infancy of their political existence, under the influence of those principles of liberty and of right, so congenial to the cause in which they had just fought and triumphed, they were able but to obtain the sanction of one great and philosophical, though absolute, sovereign in Europe, to their liberal and enlightened principles. They could obtain no more. Since then, a political hurricane has gone over three fourths of the civilized portions of the earth, the desolation of which, it may with confidence be expected, is passing away, leaving at least the American atmosphere, purified and

refreshed—And now, at this propitious moment, the new born nations of this hemisphere, assembling by their representatives, at the Isthmus, between its two continents, to settle the principles of their future international intercourse with other nations, and with us, ask, in this great exigency, for our advice, upon those very fundamental maxims, which we, from our cradle, had first proclaimed, and partially succeeded to introduce into the code of national law.

Without recurring to that total prostration of all neutral and commercial rights, which marked the progress of the late European wars, and which finally involved the U. States in them, and advertising only to our political relations with these American nations, it is observable, that, while in all other respects, those relations have been uniformly, and without exception of the most friendly and mutually satisfactory character, the only causes of difference and dissension between us and them, which ever have arisen, originated in those never failing fountains of discord and irritation, discriminations of commercial favor to other nations, licentious privateers, and paper blockades. I cannot, without doing injustice to the republics of Buenos Ayres and Colombia, forbear to acknowledge the candid and conciliatory spirit, with which they have repeatedly yielded to our friendly representations and remonstrances on these subjects : in repealing discriminative laws which operated to our disadvantage, and in revoking the commissions of their privateers. To which Colombia has added the magnanimity of making reparation for unlawful

captures by some of her cruisers, and of assenting, in the midst of war, to treaty stipulations favorable to neutral navigation. But the recurrence of these occasions of complaint has rendered the renewal of the discussions, which result in the removal of them, necessary, while in the mean time injuries are sustained by merchants, and other individuals of the United States, which cannot be repaired, and the remedy lingers in overtaking the pernicious operation of the mischief. The settlement of general principles, pervading with equal efficacy all the American states, can alone put an end to these evils, and can alone be accomplished at the proposed assembly.

If it be true, that the noblest treaty of peace, ever mentioned in history, is that by which the Carthaginians were bound to abolish the practice of sacrificing their own children, *because it was stipulated in favor of human nature*, I cannot exaggerate to myself the unfading glory, with which these United States will go forth in the memory of future ages, if, by their friendly counsel, by their moral influence, by the power of argument and persuasion alone, they can prevail upon the American nations at Panama to stipulate, by general agreement among themselves, and so far as any of them may be concerned, the perpetual abolition of private war upon the ocean. And if we cannot yet flatter ourselves that this may be accomplished, as advances towards it, the establishment of the principle, that the friendly flag shall cover the cargo, the curtailment of contraband of war, and the proscription of fictitious paper blockades ; engage-

ments which we may reasonably hope will not prove impracticable, will, if successfully inculcated, redound proportionally to our honor, and drain the fountain of many a future sanguinary war. The late president of the United States, in his message to congress, of the 2d of December, 1823, while announcing the negotiation then pending with Russia, relating to the North West Coast of this continent, observed that the occasion of the discussions to which that incident had given rise, had been taken for asserting as a principle, in which the rights and interests of the United States were involved, that the American continents, by the free and independent condition which they had assumed and maintained, were thenceforward not to be considered as subjects for future colonization, by any European power. The principle had first been assumed in that negotiation with Russia. It rested upon a course of reasoning equally simple and conclusive. With the exception of the existing European colonies, which it was in nowise intended to disturb, the two continents consisted of several sovereign and independent nations, whose territories covered their whole surface. By this, their independent condition, the United States enjoyed the right of commercial intercourse with every part of their possessions. To attempt the establishment of a colony in those possessions would be to usurp, to the exclusion of others, a commercial intercourse, which was the common possession of all. It could not be done without encroaching upon existing rights of the United States. The government of Russia has never disputed these posi-

tions, nor manifested the slightest dissatisfaction at their having been taken. Most of the new American republics have declared their entire assent to them; and they now propose, among the subjects of consultation at Panama, to take into consideration the means of making effectual the assertion of that principle, as well as the means of resisting interference from abroad, with the domestic concerns of the American governments.

In alluding to these means, it would obviously be premature, at this time, to anticipate that which is offered merely as matter for consultation; or to pronounce upon those measures which have been, or may be suggested. The purpose of this government is, to concur in none which would import hostility to Europe, or justly excite resentment in any of her states. Should it be deemed advisable to contract any conventional engagement on this topic, our views would extend no further than to a mutual pledge of the parties to the compact, to maintain the principle in application to its own territory, and to permit no colonial lodgements or establishment of European jurisdiction upon its own soil; and, with respect to the obtrusive interference from abroad, if its future character may be inferred from that which has been, and, perhaps, still is, exercised in more than one of the new states, a joint declaration of its character and exposure of it to the world, may be probably all that the occasion would require. Whether the United States should or should not be parties to such a declaration, may justly form a part of the deliberation. That there is an evil to be

remedied, needs little insight into the secret history of late years to know, and that this remedy may best be concerted at the Panama meeting, deserves, at least, the experiment of consideration. A concert of measures, having reference to the more effectual abolition of the African slave trade, and the consideration of the light in which the political condition of the island of Hayti is to be regarded, are also among the subjects mentioned by the minister from the republic of Colombia, as believed to be suitable for deliberation at the congress. The failure of the negotiations with that republic, undertaken during the late administration, for the suppression of that trade, in compliance with a resolution of the house of representatives, indicates the expediency of listening with respectful attention to propositions which may contribute to the accomplishment of the great end which was the purpose of that resolution, while the result of those negotiations will serve as admonition to abstain from pledging this government to any arrangement which might be expected to fail of obtaining the advice and consent of the senate, by a constitutional majority to its ratification.

Whether the political condition of the island of Hayti shall be brought at all into discussion at the meeting, may be a question for preliminary advisement. There are in the political constitution of government of that people, circumstances which have hitherto forbidden the acknowledgment of them by the government of the United States, as sovereign and independent. Additional reasons for withholding that acknowledgment have recently been seen in their accept-

ance of a nominal sovereignty by the *grant* of a foreign prince; under conditions equivalent to the concession by them, of exclusive commercial advantages to one nation, adapted altogether to the state of colonial vassalage, and retaining little of independence but the name. Our plenipotentiaries will be instructed to present these views to the assembly at Panama: and, should they not be concurred in, to decline acceding to any arrangement which may be proposed upon different principles.

The condition of the islands of Cuba and Porto Rico is of deeper import and more immediate bearing upon the present interests and future prospects of our union. The correspondence, herewith transmitted, will show how earnestly it has engaged the attention of this government. The invasion of both those islands by the united forces of Mexico and Colombia, is avowedly among the objects to be matured by the belligerent states at Panama. The convulsions to which, from the peculiar composition of their population, they would be liable, in the event of such an invasion, and the danger therefrom resulting of their falling ultimately into the hands of some European power, other than Spain, will not admit of our looking at the consequences to which the congress at Panama may lead with indifference. It is unnecessary to enlarge upon this topic, or to say more than that all our efforts, in reference to this interest, will be to preserve the existing state of things, the tranquillity of the islands, and the peace and security of their inhabitants.

And, lastly, the congress of Panama is believed to present a fair

occasion for urging upon all the new nations of the south, the just and liberal principles of religious liberty. Not by any interference whatever in their internal concerns, but by claiming for our citizens, whose occupations or interests may call them to occasional residence in their territories, the inestimable privilege of worshipping their Creator according to the dictates of their own consciences. This privilege, sanctioned by the customary law of nations, and secured by treaty stipulations in numerous national compacts; secured even to our own citizens in the treaties with Colombia and with the Federation of Central America, is yet to be obtained in the other South American states and Mexico. Existing prejudices are still struggling against it, which may, perhaps, be more successfully combatted at this general meeting than at the separate seats of government of each republic.

I can scarcely deem it otherwise than superfluous to observe, that the assembly will be, in its nature, diplomatic, and not legislative. That nothing can be transacted there obligatory upon any one of the states, to be represented at the meeting, unless with the express concurrence of its own representatives, nor even then, but subject to the ratification of its constitutional authority at home. The faith of the United States to foreign powers cannot otherwise be pledged. I shall, indeed, in the first instance, consider the assembly as merely *consultative*; and although the plenipotentiaries of the United States will be empowered to receive and refer, to the consideration of their government, any proposition from the other par-

ties to the meeting, they will be authorized to conclude nothing, unless subject to the definitive sanction of this government, in all its constitutional forms. It has, therefore, seemed to me unnecessary to insist, that every object to be discussed at the meeting, should be specified, with the precision of a judicial sentence, or enumerated with the exactness of a mathematical demonstration. The purpose of the meeting itself is to deliberate upon the great and common *interests* of several new and neighboring nations. If the measure is new and without precedent, so is the situation of the parties to it. That the purposes of the meeting are somewhat indefinite, far from being an objection to it, is among the cogent reasons for its adoption. It is not the establishment of principles of intercourse with one, but with seven or eight nations at once. That, before they have had the means of exchanging ideas, and communicating with one another in common upon these topics, they should have definitively settled and arranged them in concert, is to require that the effect should precede the cause. It is to exact, as a preliminary to the meeting, that for the accomplishment of which the meeting itself is designed.

Among the inquiries which were thought entitled to consideration before the determination was taken to accept the invitation, was that, whether the measure might not have a tendency to change the policy hitherto invariably pursued by the United States, of avoiding all entangling alliances, and all unnecessary foreign connections.

Mindful of the advice given by the father of our country, in his

farewell address, that the great rule of conduct for us in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connection as possible ; and, faithfully adhering to the spirit of that admonition, I cannot overlook the reflection, that the counsel of Washington, in that instance, like all the counsels of wisdom, was founded upon the circumstances in which our country and the world around us were situated, at the time, when it was given. That the reasons assigned by him for his advice were, that Europe had a set of primary interests, which to us had none, or a very remote relation. That hence she must be engaged in frequent controversies, the causes of which were essentially foreign to our concerns. That our *detached* and *distant* situation invited and enabled us to pursue a different course. That, by our union and rapid growth, with an efficient government, the period was not far distant, when we might defy material injury from external annoyance ; when we might take such an attitude as would cause our neutrality to be respected ; and with reference to belligerent nations, might choose peace or war, as our interests, guided by justice, should counsel.

Compare our situation and the circumstances of that time, with those of the present day ; and what, from the very words of Washington, then, would be his counsels to his countrymen now ? Europe has still her set of primary interests, with which we have little or no relation. Our distant and detached situation with reference to Europe, remains the same. But, we were then the only inde-

pendent nation of this hemisphere ; and we were surrounded by European colonies, with the greater part of which we had no more intercourse, than with the inhabitants of another planet. Those colonies have now been transformed into eight independent nations, extending to our very borders. Seven of them republics, like ourselves ; with whom we have an immensely growing commercial, and *must* have, and have already, important political connections. With reference to whom our situation is neither distant nor detached. Whose political principles and systems of government, congenial with our own, must and will have an action and counter-action upon us and ours, to which we cannot be indifferent if we would.

The rapidity of our growth, and the consequent increase of our strength, has more than realized the anticipations of this admirable political legacy. Thirty years have nearly elapsed since it was written, and in the interval, our population, our wealth, our territorial extension, our power, physical and moral, has nearly trebled. Reasoning upon this state of things from the sound and judicious principles of Washington, and must we not say, that the period which he predicted, as then not far off, has arrived ? That *America* has a set of primary interests, which have none or a remote relation to Europe. That the interference of Europe, therefore, in those concerns, should be spontaneously withheld by her upon the same principles, that we have never interfered with hers - and that if she should interfere, as she may, by measures which may have a great and dangerous recoil upon our-



selves, we might be called in defence of our own altars and fire-sides, to take an attitude which would cause our neutrality to be respected, and choose peace or war, as our interest, guided by justice, shall counsel.

The acceptance of this invitation therefore, far from conflicting with the counsel or the policy of Washington, is directly deducible from and conformable to it; nor is it less conformable to the views of my immediate predecessor, as declared in his annual message to congress, of the 2d of December, 1823, to which I have already adverted, and to an important passage of which, I invite the attention of the house. "The citizens of the United States," said he, "cherish sentiments the most friendly in favor of the liberty and happiness of their fellow-men on that, (the European,) side of the Atlantic. In the wars of the European powers, in matters relating to themselves, we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded, or seriously menaced, that we resent injuries, or make preparation for our defence. With the movements in this hemisphere, we are, of necessity, more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers, is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective governments. And to the defence of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened

citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor, and to the amicable relations subsisting between the United States and those powers, to declare, that we should consider any attempt on their part, to extend their system to any portion of this hemisphere, as dangerous to our peace and safety. With the existing colonies or dependencies of any European power, we have not interfered, and shall not interfere. But, with the governments who have declared their independence and maintained it, and whose independence we have, on great consideration, and on just principles, acknowledged, we could not view any interposition, for the purposes of oppressing them, or controlling in any other manner their destiny, by any European power, in any other light than as the manifestation of an unfriendly disposition towards the United States. In the war between those new governments and Spain, we declared our neutrality at the time of their recognition; and to this we have adhered, and shall continue to adhere, provided no change shall occur, which, in the judgment of the competent authorities of this government, shall make a corresponding change, on the part of the United States, indispensable to their securities."

To the question which may be asked, whether this meeting and the principles which may be adjusted and settled by it as rules of intercourse between the American nations, may not give umbrage to the holy league of European powers, or offence to Spain, it is deemed a sufficient answer, that our attendance at Panama can give no



*just cause* of umbrage or offence to either—and that the United States will stipulate nothing there which can give such cause. Here the right of inquiry into our purposes and measures must stop. The holy league of Europe itself was formed without inquiring of the United States whether it would or would not give umbrage to them. The fear of giving umbrage to the holy league of Europe was urged as a motive for denying to the American nations the acknowledgment of their independence. That it would be viewed by Spain as hostility to her, was not only urged, but directly declared by herself. The congress and administration of that day consulted their rights and duties, and not their fears. Fully determined to give no needless displeasure to any foreign power, the United States can estimate the probability of their giving it, only by the right which any foreign state could have, to take it from their measures. Neither the representation of the United States at Panama, nor any measure to which their assent may be yielded there, will give to the holy league, or any of its members, nor to Spain, the right to take offence. For the rest, the United States must still, as heretofore, take counsel from their duties, rather than their fears.

Such are the objects in which it is expected that the plenipotentiaries of the United States, when commissioned to attend the meeting at the Isthmus, will take part; and such are the motives and purposes, with which the invitation of the three republics was accepted. It was, however, as the house will perceive from the correspondence, accepted only upon condition that

the nomination of commissioners for the mission, should receive the advice and consent of the senate. The concurrence of the house to the measure, by the appropriations necessary for carrying it into effect, is alike subject to its free determination, and indispensable to the fulfilment of the intention.

That the congress at Panama will accomplish all, or even any of the transcendent benefits to the human race, which warmed the conceptions of its first proposer, it were, perhaps, indulging too sanguine a forecast of events to promise. It is, in its nature, a measure speculative and experimental. The blessing of heaven may turn it to the account of human improvement. Accidents unforeseen, and mischances not to be anticipated, may baffle all its high purposes, and disappoint its fairest expectations. But the design is great, is benevolent, is humane. It looks to the melioration of the condition of man. It is congenial with that spirit which prompted the declaration of our independence; which inspired the preamble of our first treaty with France; which dictated our first treaty with Prussia, and the instructions under which it was negotiated; which filled the hearts and fired the souls of the immortal founders of our revolution.

With this unrestricted exposition of the motives by which I have been governed, in this transaction, as well as of the objects to be discussed, and of the ends, if possible, to be attained by our representation at the proposed congress, I submit the propriety of an appropriation, to the candid consideration, and enlightened patriotism of the legislature.

JOHN QUINCY ADAMS.

[The following report of the secretary of state to the president, accompanied the message of the president of the United States to congress on the subject of the Panama mission.]

The secretary of state, to whom the president has referred that part of the resolution of the house of representatives, of the 3d instant, which requests that he would cause to be laid before that house "so much of the correspondence between the government of the United States, and the new states of America, or their ministers, respecting the proposed congress, or meeting of diplomatic agents at Panama, and of such information respecting the general character of that expected congress, as may be in his possession," has the honor now to report :

That, during the last spring, he held, at the department of state, separate conferences, on the same day, with the respective ministers of Colombia and Mexico, in the course of which, each of them verbally stated, that his government was desirous that the United States should be represented at the proposed congress, and that he was instructed to communicate an invitation to their government to send representatives to it ; but that, as his government did not know whether it would be agreeable or not to the United States to receive such an invitation, and, as it was not wished to occasion any embarrassment to them, he was charged informally to inquire, previous to the delivery of the invitation, whether it would be accepted, if given by both of the republics of Mexico and Colombia. It was also stated, by each of those ministers, that his government did

not expect that the United States would change their present neutral policy, nor was it desired that they should take part in such of the deliberations of the proposed congress as might relate to the prosecution of the existing war with Spain.

Having laid before the president what transpired at these conferences, his direction was received about a week after they had been held, to inform the ministers of Mexico and Colombia, and they were accordingly informed, that their communication was received with due sensibility to the friendly consideration of the United States by which it had been dictated : that, of course, they could not make themselves a party to the war between the new states and Spain, nor to councils for deliberating on the means of its further prosecution ; that the president believed that such a congress, as was contemplated, might be highly useful in settling several important disputed questions of public law, in arranging other matters of deep interest to the American continent, and in strengthening the friendship and amicable intercourse between the American powers : that, before such a congress, however assembled, it appeared to the president to be expedient to adjust, between the different powers to be represented, several preliminary points, such as the subjects to which the attention of the congress was to be directed, the nature and the form of the powers to be given to the diplomatic agents who were to compose it, and the mode of its organization and its action. If these preliminary points could be arranged in a manner satisfactory to the United States. the ministers

from Colombia and Mexico were informed that the president thought that the United States ought to be represented at Panama. Each of those ministers undertook to transmit to his government the answer which was thus given to both.

In this posture the overture remained until the letters were received, which accompany this report, from the ministers of the republics of Mexico and Colombia, under date of the 2d and 3d November, 1825.

The first and only communication from the minister of the republic of Central America to this department, in regard to the congress at Panama, is contained in his official note.

The secretary of state has also the honor to report to the president, extracts from the instructions which were given by the department of state to Mr. Anderson, on the twenty-seventh day of May, 1823, and copies of certain parts of the correspondence which, since the last session of congress, has taken place between the executive of the United States, and the governments of Russia, France, Spain, and Mexico, of which a descriptive list accompanies this report. In respect to the negotiation which Mr. Middleton was authorised by the despatch of the 10th of May last, (one of the papers now reported,) to institute at St. Petersburg, considering the lapse of time, and the great and lamented event which has lately occurred in Europe, perhaps there is no adequate reason for refraining from a communication of it to the house, which is recommended by its intimate connection with the interests of the new republics. About the same period with the date of that

despatch, instructions were given to Mr. Everett, to inculcate on Spain the necessity of peace, and to our ministers in France and England, to invite the cabinets of Paris and London to co-operate in the same work. The hope, not yet abandoned, was indulged, that, by an united exertion of all the great powers, and especially of Russia, Spain might be brought to see her true interests in terminating the existing war. Other negotiations growing out of, and subordinate to, that which was authorised in the before-mentioned despatch of the 10th of May, to Mr. Middleton, have been more recently commenced. They have for their object the prevention of disorder in the Spanish islands of Cuba and Porto Rico, and also to guard the United States against the danger of bad examples and excesses, of which, in the course of events, those islands might become the theatre, as well as the conservation of our commercial and navigating interests.

All of which is respectfully submitted.

H. CLAY.

Department of state, 14th March, 1826.

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*Extract of a LETTER from MR. ADAMS, Secretary of State, to MR. ANDERSON, Minister Plenipotentiary to Colombia, dated 27th May, 1823.*

“The revolution which has severed the colonies of Spanish America from European thralldom, and left them to form self-dependent governments as members of the society of civilized nations, is among the most important events in modern history. As a general movement in human affairs, it is perhaps no more than a development of principles first brought

into action by the separation of these states from Great Britain, and by the practical illustration given in the formation and establishment of our union, to the doctrine that voluntary agreement is the only legitimate source of authority among men; and that all just government is a compact. It was impossible that such a system as Spain had established over her colonies, should stand before the progressive improvements of the understanding in this age, or that the light shed upon the whole earth by the results of our revolution should leave in utter darkness the regions immediately adjoining upon ourselves. The independence of the Spanish colonies, however, has proceeded from other causes, and has been achieved upon principles in many respects different from ours. In our revolution the principle of the social compact was from the beginning, in immediate issue. It originated in a question of *right*, between the government in Europe, and the subject in America. Our *independence* was declared in defence of our *liberties*, and the attempt to make the yoke, a yoke of oppression, was the cause and the justification for casting it off.

The revolution of the Spanish colonies was not caused by the oppression under which they had been held, however great it had been. Their independence was first forced upon them by the temporary subjugation of Spain herself to a foreign power. They were, by that event, cast upon themselves, and compelled to establish governments of their own. Spain, through all the vicissitudes of her own revolutions, has clung to the desperate hope, of retaining,

or of reclaiming them to her own control; and has waged, to the extent of her power, a disastrous war to that intent.

In the mind of every rational man, it has been for years apparent that Spain can never succeed to recover her dominion where it has been abjured, nor is it probable that she can long retain the small remnant of her authority yet acknowledged in some spots of the South American continent.

The political course of the United States, from the first dawning of South American independence, has been such as was prescribed by their relative duties to all the parties. Being on terms of peace and amity with Spain, through all the changes of her own government, they have considered the struggles of the colonies for independence as a case of civil war, to which their national obligations prescribed to them to remain neutral. Their policy, their interest, and their feelings, all concurred to favor the cause of the colonies; and the principles upon which the right of independence has been maintained by the South American patriots, have been approved, not only as identical with those upon which our own independence was asserted and achieved, but as involving the whole theory of government on the emphatically American foundation of the sovereignty of the people, and the unalienable rights of man. To a cause reposing upon this basis, the people of this country never could be indifferent, and their sympathies have accordingly been, with great unanimity and constancy, enlisted in its favor. The sentiments of the government of the United States, have been in perfect harmony with those of their

people, and while forbearing, as their duties of neutrality prescribed, from every measure which could justly be construed as hostile to Spain, they have exercised all the moral influence which they possessed to countenance and promote the cause of independence. So long as a contest of arms, with a rational or even remote prospect of eventual success was maintained by Spain, the United States could not recognize the independence of the colonies, as existing *de facto*, without trespassing on their duties to Spain, by assuming as decided that which was precisely the question of the war. In the history of South American independence, there are two periods clearly distinguishable from each other. The first, that of its origin, when it was rather a war of independence against France than against Spain, and the second, from the restoration of Ferdinand the seventh, in 1814. Since that period, the territories, now constituting the republic of Colombia, have been the only theatre upon which Spain has been able to maintain the conflict offensively, with even a probable color of ultimate success. But when, in 1815, she made her greatest effort in the expedition from Cadiz, commanded by Morillo, Mexico, Peru and Chili, were yet under her authority, and had she succeeded in reducing the coast of Terra Firma and New Grenada, the provinces of La Plata, divided among themselves, and weakened by the Portuguese occupation of Monte Video, would probably not have held out against her long. This at least was the calculation of her policy, and from the geographical position of these countries, which may be termed the heart of

South America, the conclusion might well be drawn, that if the power of Spain could not be firmly re-seated there, it must be on her part a fruitless struggle to maintain her supremacy in any part of the American continent. The expedition of Morillo, on its first arrival, was attended with signal success—Carthagena was taken. The whole coast of Terra Firma was occupied, and New Grenada was entirely subdued. A remnant of patriots in Venezuela, with their leader Bolivar, returning from expulsion, revived the cause of independence, and after the campaign of 1819, in which they reconquered the whole of New Grenada, the demonstration became complete, that every effort of Spain to recover the South America continent must thenceforward be a desperate waste of her own resources, and that the truest friendship of other nations to her, would consist in making her sensible that her own interest would be best consulted, by the acknowledgment of that independence which she could no longer effectually dispute.

To this conclusion the government of the United States had, at an earlier period, arrived. But, from that emergency, the president has considered the question of recognition, both in a moral and political view, as merely a question of the proper *time*. While Spain could entertain a reasonable hope of maintaining the war, and of recovering her authority, the acknowledgment of the colonies, as independent states, would have been a wrong to her; but she had no right, upon the strength of this principle, to maintain the pretension, after she was manifestly disabled from maintaining the contest, and by

unreasonably withholding her acknowledgment, to deprive the independents of their right to demand the acknowledgment of others. To fix upon the precise *time*, when the duty to respect the prior sovereign right of Spain should cease, and that of yielding to the claim of acknowledgment would commence, was a subject of great delicacy, and, to the president, of constant and anxious solicitude. It naturally became, in the first instance, a proper subject of consultation with other powers, having relations of interests to themselves, with the newly opened countries, as well as influence in the general affairs of Europe. In August, 1818, a formal proposal was made to the British government for a concerted and cotemporary recognition of the independence of Buenos Ayres, then the only one of the South American states, which, having declared independence, had no *Spanish* force contending against it within its borders, and where it, therefore, most unequivocally existed *in fact*. The British government declined accepting the proposal themselves, without, however, expressing any disapprobation of it; without discussing it as a question of principle, and without assigning any reason for the refusal, other than that it did not then suit with their policy. It became a subject of consideration at the deliberations of the congress of Aix La Chapelle, in October, 1818. There is reason to believe, that it disconcerted projects, which were there entertained, of engaging the European alliance, in actual operation against the South Americans, as it is well known that a plan for their joint mediation, between Spain and her colonies, for restoring them

to her authority, was actually matured and finally failed at that place, only by the refusal of Great Britain to accede to the condition of employing *force* eventually against the South Americans for its accomplishment. Some dissatisfaction was manifested by several members of the congress at Aix La Chapelle, at this avowal, on the part of the United States, of their readiness to recognize the independence of Buenos Ayres.

The reconquest in the campaign of 1819, of New Grenada to the patriot cause, was immediately followed by the formation of the republic of Colombia, consisting of three great divisions of the preceding Spanish government, Venezuela, Cundinamarca and Quito. It was soon succeeded by the dissolution of the Spanish authority in Mexico; by the revolution in Spain itself; and by the military operations which resulted in the declaration of independence in Peru. In November, 1820, was concluded the armistice between the generals Morillo and Bolivar, together with a subsequent treaty, stipulating that in case of the renewal of the war, the parties would abstain from all hostilities and practices not consistent with the modern law of nations, and the humane maxims of civilization. In February, 1821, the partial independence of Mexico was proclaimed at Yguala; and in August of the same year was recognized by the Spanish vice-roy and captain-general O'Donoju at Cordova.

The formation of the republic of Colombia, by the fundamental law of 17th December, 1819, was notified to this government, by its agent, the late Don Manuel Torres, on the 20th of February, 1821.



with a request that it might be recognized by the government of the United States, and a proposal for the negotiation of treaties of commerce and navigation, *founded upon the basis of reciprocal utility and perfect equality*, as the most efficacious means of strengthening and increasing the relations of amity between the two republics.

The request and proposal were renewed in a letter from Mr. Torres, of the 30th of November, 1821, and again repeated on the 2d of January, 1822. In the interval, since the first demand, the general congress of the new republic had assembled, and formed a constitution, founded upon the principles of popular representation, and divided into legislative, executive, and judicial authorities. The government, under this constitution, had been organized, and was in full operation; while, during the same period, the principal remnant of the Spanish force had been destroyed by the battle of Carabobo, and its last fragments were confined to the two places of Porto Cabello and Panama.

Under these circumstances, a resolution of the house of representatives of the United States, on the 30th of January, 1822, requested of the president to lay before the house the communications from the agents of the United States, with the governments south of the United States, which had declared their independence; and those from the agents of such governments here, with the secretary of state, tending to show the political condition of their governments, and the state of the war between them and Spain. In transmitting to the house the papers called for by this resolution, the president, by his

message of 8th March, 1822, declared his own persuasion that the time had arrived when, in strict conformity to the law of nations and in the fulfilment of the duties of equal and impartial justice to all parties, the acknowledgment of the independence declared by the Spanish American colonies could no longer be withheld. Both houses of congress having almost unanimously concurred with these views of the president, an appropriation was made by law, (4th May, 1822,) for such missions to the independent nations on the American continent, as the president should deem proper.

On the day after the president's message of the 8th of March, the Spanish minister, Anduaga, addressed to this department a remonstrance against the measure which it recommended, and a solemn protest against the recognition of the governments mentioned, of the insurgent Spanish provinces of America. He was answered on the 6th of April, by a letter recapitulating the circumstances under which the government of the United States had "yielded to an obligation of duty of the highest order, by recognizing, as independent states, nations which, after deliberately asserting their right to that character, had maintained and established it against all the resistance which had been, or could be, brought to oppose it." On the 24th of April, he gave information that the Spanish government had disavowed the treaty of 24th August, 1821, between the captain-general O'Donoju and colonel Iturbide, and had denied the authority of the former to conclude it.

On the 12th of February, 1822,



the Spanish extraordinary cortes adopted the report of a committee proposing the appointment of commissioners to proceed to South America to negotiate with the revolutionary patriots concerning the relations to be established thereafter, in regard to their connection with Spain. They declared, at the same time, all treaties made with them before that time, by Spanish commanders, implying any acknowledgment of their independence, null and void, as not having been authorised by the cortes; and on the next day, they passed three resolutions, the first annulling, expressly, the treaty between O'Donnoju and Iturbide.

The second, "That the Spanish government, by a declaration to all others with which it has friendly relations, make known to them, that the Spanish nation will regard, *at any epoch*, as a violation of the treaties, the recognition, either partial or absolute, of the independence of the Spanish provinces of ultramar, so long as the dissensions which exist between some of them, and the metropolis, *are not terminated*, with whatever else may serve to convince foreign governments, that Spain has not yet renounced any of the rights belonging to it in those countries."

The third resolution recommended to the government to take all necessary measures, and to apply to the cortes for the needed resources, to preserve and recover the authority of Spain in the ultramarine provinces.

These measures of the cortes were not known to the president of the United States when he sent to congress his message of the 8th of March. But information of them was received while the bill, making

an appropriation for the missions, was before congress; and, on the 25th of April, a resolution of the senate requested of the president any information he might have, proper to be disclosed, from our minister at Madrid, or from the Spanish minister, resident in this country, concerning the views of Spain relative to the recognition of the independence of the South American colonies, and of the dictamen of the Spanish cortes. In answer to this resolution, the letter from Mr. Anduaga, protesting against the recognition, and one from Mr. Forsyth, enclosing a translation of the dictamen, were transmitted to the senate, which, with all these documents before them, gave their concurrent sanction, with that of the house of representatives, to the passage of the bill of appropriation.

This review of the proceedings of the government of the United States, in relation to the independence of Spanish America, has been taken to show the consistency of the principles by which they were uniformly dictated, and and that they have been always eminently friendly to the new republics, and disinterested. While Spain maintained a doubtful contest, with arms, to recover her dominion, it was regarded as a civil war. When that contest became so manifestly desperate, that Spanish vice-roys, governors and captains-generals themselves, concluded treaties with the insurgents, virtually acknowledging their independence, the United States frankly and unreservedly recognized the fact, without making their acknowledgment the price of any favor to themselves, and although at the hazard of incurring the displeasure

of Spain. In this measure, they have taken the lead of the whole civilized world: for, although the Portuguese Brazilian government had, a few months before, recognized the revolutionary government of Buenos Ayres, it was at a moment when a projected declaration of their own independence made the question substantially their own cause, and it was presented as an equivalent for a reciprocal recognition of their own much more questionable right to the eastern shore of La Plata.

On the 17th day of June, 1822, Mr. Manuel Torres was received by the president of the United States as the charge d'affaires from the republic of Colombia, and the immediate consequence of our recognition was the admission of the vessels of the South American nations, under their own colors, into the ports of the principal maritime nations of Europe.

The European alliance of emperors and kings have assumed, as the foundation of human society, the doctrine of unalienable *allegiance*. Our doctrine is founded upon the principle of unalienable *right*. The European allies, therefore, have viewed the *cause* of the South Americans as rebellion against their lawful sovereign. We have considered it as the assertion of natural right. They have invariably shown their disapprobation of the revolution, and their wishes for the restoration of the Spanish power. We have as constantly favored the standard of independence and of America. In contrasting the principles and the motives of the European powers, as manifested in their policy towards South America, with those of the United States, it has not been my

intention to boast of our superior purity, or to lay a claim of merit to any extraordinary favor from South America in return. Disinterestedness must be its own reward; but, in the establishment of our future political and commercial intercourse with the new republics, it will be necessary to recur often to the principles in which it originated; they will serve to mark the boundaries of the rights which we may justly claim in our future relations with them, and to counteract the efforts which, it cannot be doubted, European negotiators will continue to make in the furtherance of their monarchical and monopolizing contemplations.

Upon a territory by one half more extensive than the whole inhabited part of the United States, with a population of less than four millions of souls, the republic of Colombia has undertaken to establish a single, and not a confederated government.

Whether this attempt will be found practicable in execution, may be susceptible of doubt; but in the new organization of society, upon this hemisphere, even unsuccessful experiments lead to results by which the science of government is advanced, and the happiness of man is promoted. The republic of Colombia has a constitution deliberately formed, and adopted upon principles entirely republican, with an elective legislature in two branches, a distribution of the powers of government, with the exception of the federative character, almost identical with our own, and articles declaratory of the natural rights of the citizen to personal security, property, and reputation, and of the inviolable liberty of the press.

With such a constitution, in such a country, the modifications which experience may prove to be necessary for rendering the political institutions most effectually competent to the ends of civil government, will make their own way by peaceable and gradual conquests of public opinion. If a single government should be found inadequate to secure and protect the rights of the people living under it, a federation of republics may, without difficulty, be substituted in its place. Practical effect having once been given to the principle, that lawful government is a compact, and not a grant, the pretences for resorting to force for effecting political revolutions disappear. The subordination of the military to the civil power is the only principle yet remaining to be established in Colombia, to ensure the liberties of the future generations as well as those of the present age; and that subordination, although not directly guaranteed by their present constitution, is altogether conformable to its spirit.

In the letter of the 20th February, 1821, from the late Mr. Torres, demanding the recognition of the republic of Colombia, it has been observed, that the additional proposal was made, of negotiating "*treaties of navigation and commerce*, founded upon the basis of reciprocal utility and perfect equality, as the most efficacious means of strengthening and increasing the relations of amity between the two republics."

In compliance with this proposal, among the documents furnished you, for proceeding upon the mission to which you have been appointed, of minister plenipotentiary to the republic of Colombia,

is a full power which will authorise you to negotiate with any plenipotentiary or plenipotentiaries of that government, duly provided with like powers, such a treaty. The president wishes, however, that every step in such negotiation should be taken with full deliberation. The treaty, if concluded, must, as you are aware, be reserved subject to ratification here, with the advice and consent of the senate, by the constitutional majority of two thirds, as by the constitution of Colombia, (article 120,) their treaties, to be valid, must receive the consent and approbation of their congress.

Our commercial relations with the Colombian territory, are of so recent origin, and have depended so much upon the revolutionary condition of that country under which they have arisen, that our knowledge of their state and character is very imperfect, although we are certain that they are altogether different from those which may be expected to arise from permanent interests, when the independence of the republic shall be universally recognized, and a free trade shall be opened to its inhabitants, with all parts of the world. The only important point now to be settled, as the radical principle of all our future commercial intercourse, is the basis proposed by Mr. Torres, of *reciprocal utility and perfect equality*. As the necessary consequence of which, you will claim that, without waiting for the conclusion of a treaty, the commerce and navigation of the United States, in the ports of the Colombian republic, should be received on the footing of equality with the most favored nation. It is hoped, indeed, that on your ar-

rival at the place of your destination, you will find the principle already settled: assurances to that effect having been given by the minister of foreign relations to Mr. Todd.

By an act of the congress of Colombia, of the 25th of September, 1821, an impost duty of  $7\frac{1}{2}$  per cent. was laid upon all articles imported from any part of America, *additional* to the duty upon the like articles imported from Europe. This discrimination was mentioned to Mr. Torres, at the time of his reception. He thought it had arisen only from an inadvertency, and promised to write concerning it to his government. Mr. Todd was instructed to remonstrate against it, which he accordingly did. From his correspondence and conferences relating to it, with the Colombian minister of foreign relations, Dr. Gual, it appears that the object of the law was, to burden with heavier duties the indirect trade from Great Britain and France, carried on through the medium of the West India islands, and thereby to present to those powers an inducement to acknowledge the independence of the republic. However just or reasonable this expedient might be, with reference to the relations between the Colombian people and European nations, it was manifestly injurious to the United States, nor was its injustice in any manner compensated by the provisions of another law of the congress of 27th September, 1821, allowing a drawback of duties upon re-exportations *in their own vessels*, of provisions imported from the United States. It is alleged by Dr. Gual, that the object of this latter law was to favor the United

States, by facilitating the indirect trade between them and the British colonies in the West Indies, the direct trade being then interdicted by the laws of the United States and of Great Britain. But this trade was carried on more advantageously to the United States, by the way of the Swedish, Danish, and Dutch islands, than it could be by that of the Colombian ports, and the object of favoring their own shipping appears more obviously as the motive of the law, than that of favoring the commerce of the United States. The opening of the direct trade between the United States and the British islands, has, at all events, rendered all the provisions of the Colombian law of 27th September, 1821, inoperative; and assurances have been given by Dr. Gual, that at the meeting of the congress, which was to take place in March last, measures would be taken for procuring the immediate repeal of the discrimination, to the disadvantage of the United States, prescribed by the law of the 25th of September.

The spirit of the Colombian constitution is explicitly that of entire and unqualified independence; and the sentiments expressed by Dr. Gual to Mr. Todd, have been altogether conformable to it. He has declared, that the intention of the government is to treat all *foreign* nations upon the footing of equal favor and of perfect reciprocity. This is all that the United States will require, and this, so far as their interests are concerned, they have a right to exact.

It had been, in the first instance, proposed by Mr. Torres, that the treaty of commerce and navigation should be negotiated *here*, and he

informed me that a minister would be appointed, with powers and instructions sufficient for concluding it at this place. Dr. Gual has informed Mr. Todd, that the views of the Colombian government have since undergone a change ; and although they have appointed Mr. Salazar as envoy extraordinary and minister plenipotentiary to the United States, and in March last he was under instructions to proceed forthwith upon his mission to this country, they were, nevertheless, exceedingly desirous that the *treaty* should be negotiated there.

The president deems it of no material importance to the United States whether the treaty shall be negotiated at Washington or at Bogota : but the proposal having first been made for concluding it here, it was natural to inquire what it was that produced the change in the wishes of the Colombian government with regard to the seat of the negotiation. Dr. Gual intimated confidentially to Mr. Todd, that it had proceeded from two causes ; one, the desire to establish a *precedent*, which might prevail upon the great *European* governments to negotiate likewise with the republic at its own capital, and thereby hasten them to the recognition of Colombian independence ; and the other a jealousy of their own negotiators in Europe, who were apt to become themselves entangled with European intrigues, and to involve the republic in unsuitable and perplexing engagements. With regard to the second of these causes, whatever occasion may have been given to the distrust of their own agents which it avows, it could have no application to their transaction with the United States. By

assuming the principles of independence, equality, and reciprocity, as the foundations of all our negotiations, we discard all the incentives and all the opportunities for double dealing, overreaching, and corrupt caballing. We shall ask nothing which the Colombian republic can have any interest to deny. We shall offer nothing for which she may be unwilling to yield the fair equivalent. To the other reason, however, the president the more readily accedes, because perceiving its full force, it gives him an opportunity of manifesting in action the friendly disposition of the United States towards the republic, and their readiness to promote by all proper means the recognition of its independence by the great European powers.

In the negotiation of all commercial treaties, there is undoubtedly an advantage, at least of convenience, enjoyed by the party which treats *at home* ; and this advantage acquires greater importance, when, as is now the case with both parties, the treaty to become valid, must obtain the assent of legislative assemblies. This advantage, in the ordinary course of things, accrues to the party to whom the proposal of negotiation is first made. Independent then of all questions of precedence, and without resorting to the example of the first treaties negotiated by the United States, both of which considerations have been mentioned by Mr. Todd to Dr. Gual, the United States might insist upon having the negotiation concluded *here*, not only as the first proposal of it was made to them, but because the proposal itself was, that it should be concluded here. The president, however, is well aware

of the stimulus which a treaty negotiated, and even a negotiation known to be in progress at Bogota, will apply to the attention of European interests, and has no doubt that it will press them to the recognition more powerfully than they have been urged by the example, or are likely to be by the exhortations of the North American government. You are accordingly furnished, by his direction, with the full power necessary for the conclusion of the treaty.

Dr. Gual informed Mr. Todd, that the project of the treaty was already prepared, and that a copy of it would be committed to Mr. Salazar, with powers and instructions authorizing him to conclude the negotiation if this government should insist upon its being completed here. The arrival of Mr. Salazar may be expected from day to day. In the mean time, we are yet unacquainted with the particular objects of commercial intercourse which the Colombian government wishes to regulate with us by treaty. The only object which we shall have much at heart in the negotiation, will be the sanction, by solemn compact, of the broad and liberal principles of *independence, equal favors, and reciprocity*. With this view I recommend to your particular attention the preamble, and first four articles of the first treaty of amity and commerce between the United States and France, concluded on the 6th of February, 1778. The preamble is believed to be the first instance on the diplomatic records of nations, upon which the true principles of all fair commercial negotiation between independent states were laid down and proclaimed to the world. That pre-

amble was to the foundation of our commercial intercourse with the rest of mankind, what the declaration of independence was to that of our internal government. The two instruments were parts of one and the same system, matured by long and anxious deliberation of the founders of this union in the ever memorable congress of 1776; and as the declaration of independence was the fountain of all our municipal institutions, the preamble to the treaty with France laid the corner stone for all our subsequent transactions of intercourse with foreign nations. Its principles should be, therefore, deeply impressed upon the mind of every statesman and negotiator of this union, and the first four articles of the treaty with France contain the practical exposition of those principles which may serve as models for insertion in the projected treaty, or in any other that we may hereafter negotiate with any of the rising republics of the south.

There is, indeed, a principle of still more expansive liberality, which may be assumed as the basis of commercial intercourse between nation and nation. It is that of placing the *foreigner*, in regard to all objects of navigation and commerce, upon a footing of equal favor with a *native* citizen, and to that end, of abolishing all discriminating duties and charges whatsoever. This principle is altogether congenial to the spirit of our institutions, and the main obstacle to its adoption consists in this: that the fairness of its operation depends upon its being admitted *universally*. For, while two maritime and commercial nations should bind themselves to it as a compact operative only between *them*, a



third power might avail itself of its own restrictive and discriminating regulations, to secure advantages to its own people, at the expense of both the parties to the treaty. The United States have nevertheless made considerable advances in their proposals to other nations towards the general establishment of this most liberal of all principles of commercial intercourse.

On the 3d of March, 1815, immediately after the conclusion of our late war with Great Britain, an act of congress, (U. S. Laws, vol. 4. p. 824,) repealed *so much* of the discriminating duties of tonnage and impost, as were imposed on foreign vessels and merchandise, beyond the duties imposed on the same in our own vessels; *so far as they respected the produce or manufacture of the nation to which the foreign vessel might belong.* The repeal to take effect in favor of *any* foreign nation, whenever the president of the United States should be satisfied that the discriminating or countervailing duties of such foreign nation, so far as they operated to the disadvantage of the United States, had been abolished.

On the 3d of July, 1815, (U. S. Laws, vol. 6, p. 603,) a convention was concluded with Great Britain, by the second article of which, this principle was adopted for the commercial intercourse between the United States and the British territories *in Europe*; so far as related to duties and charges of tonnage, impost, export, and bounties upon articles of the produce or manufacture of the two countries, respectively. It was partially admitted for *drawbacks*. But the intercourse between the United

States and the British possessions in India was differently regulated by another article of the same convention, and that between the United States and the British colonies in America was expressly excepted from the convention, leaving each party to the exercise, in this respect, of its own rights. This convention, originally limited to four years, was afterwards, by the convention of 20th October, 1818, (U. S. Laws, vol. 6, p. 607.) extended for the term of ten years from that time.

On the 4th of September, 1816, (U. S. Laws, vol. 6, p. 642.) a treaty with Sweden and Norway was concluded, and extended to the Swedish island of St. Bartholomew, in the West Indies; by the second article of which, the same principle is established, of equal duties and charges, of tonnage, impost, export, and prohibition, upon vessels and their cargoes, being of the produce or manufacture of the respective countries, whether in vessels of the foreigner or the native. The duration of this treaty is limited to the 25th of September, 1826.

On the 20th of April, 1818, (U. S. Laws, vol. 6, p. 344.) an act of congress, repealed all discriminating duties of tonnage and impost in favor of the vessels of the *Netherlands*, and their cargoes, being of the produce or manufacture of the territories *in Europe*, of the king of the Netherlands, or "*such produce and manufactures as can only be, or most usually are, first shipped from a port or place in the kingdom aforesaid.*" Such repeal to take effect from the time the government of the Netherlands had abolished its discriminating duties upon the vessels of the United



States, and on merchandise imported in them, being of the produce or manufacture of the United States.

By an act of 3d March, 1819, in addition to the above, (U. S. Laws, vol. 6, p. 411.) it was extended in all its provisions and limitations, to the vessels of *Prussia*, of the city of *Hamburg*, and of the city of *Bremen*.

This same act of 3d of March, 1819, limited its own duration, and that of the act to which it was in addition, and the act of 3d March, 1815, itself, to the 1st of January, 1824.

The provisions of the 3d March, 1815, have been extended by proclamations of the president of the United States, as follows:—

1818, 24th July, to the free and Hanseatic city of Bremen. (U. S. Laws, vol. 6, p. 599.)

1st. August, to the free and Hanseatic city of Hamburg.—p. 600.

1820, 4th May, the free and Hanseatic city of Lubeck.—p. 601.

1821, 20th August, to the kingdom of Norway.—p. 602.

22d November, to the dukedom of Oldenburg.—p. 774.

You will observe that the acts of 3d March, 1819, admitted the vessels of *Hamburg* and *Bremen* to advantages more extensive than those offered by the act of 3d March, 1815, and which had already been secured to them, by the proclamations of 24th July, and 1st August, 1818. The same enlargement of the favors offered by the act of 3d March, 1815, is extended to the vessels of the Netherlands, and of Prussia. While Norway has the double security, of the principle offered in the act of 3d March, 1815, by the stipulation in the treaty with Sweden, and by the

president's proclamation under the act.

The proclamation with regard to Norway, was founded on an act of the government of that kingdom, not extending, however, to Sweden, abolishing all discriminating duties whatsoever, in the Norwegian ports, between their own vessels, and vessels of the United States, and upon their cargoes, of whatsoever origin, and whencesoever coming. This is the consummation of the principle of treating the foreigner, in respect to navigation and foreign commerce, upon a footing of equal favor with the native. The government of Norway, in adopting this regulation, required that it should be reciprocally granted to Norwegian vessels and their cargoes in the ports of the United States. This, however, could be granted only by an act of congress; and the proclamation could only extend to them under the *law*, that to which they were already entitled by the *treaty*.

The subject was submitted to congress by a message from the president, towards the close of the first session of the 17th congress, (1st May, 1822,) and the general policy of our commercial system, with particular reference to the act of 3d March, 1815, and the subsequent measures resulting from it, had been reviewed in the message of 5th December, 1821, at the commencement of the same session. The principle offered by the Norwegian government could not, however, then have been accepted, without great disadvantage to the United States. Our direct trade with the British colonies in America, was interdicted by our own and British laws. That with France was under countervailing regula-

tions of both parties, equivalent to interdiction. To have granted then to Norwegian vessels, unrestricted admission into our ports, upon the same terms with our own, would in fact have granted them privileges which our own did not, and could not enjoy. Our own being under the operation of restrictions and prohibitions, ordained by Britain and France, from which the Norwegian vessels would have been exempt.

Our direct trade with the British American colonies has since been opened, and that with France has been restored; both, however, shackled with countervailing restrictions and regulations, burdensome to those by whom it may be carried on. As the act of congress of 3d March, 1815, and all the regulations founded upon it, will expire on the 1st of January next, the whole subject will again be before that body at their next session, for revisal. In this state of things, it may be perhaps most prudent, in the commercial negotiations with the republic of Colombia, to adhere to the principle of *equal favor to the most friendly nation*, leaving that of *equal favor with the native*, for future consideration and concert between the parties.

To the same extent however, as we are already bound by treaty with Great Britain, until October, 1828, and with Sweden, until September, 1826, you may safely proceed, taking the second article of each of those compacts for a model, and forming an article embracing the stipulations of both. Thus far we may safely go with any one, or more foreign nations, without endangering, by the liberality of our engagements with

them, the interests of our own country, to be affected by the restrictive ordinances of others. An exception must be made with regard to the ports of St. Augustine, and Pensacola, where, by the 15th article of the late treaty with Spain, special privileges are secured to Spanish vessels, until the 22d of May, 1833.

Among the usual objects of negotiation in treaties of commerce and navigation, are the liberty of conscience and of religious worship. Articles to this effect have been seldom admitted in Roman Catholic countries, and are even interdicted by the present constitution of Spain. The South American republics have been too much under the influence of the same intolerant spirit; but the Colombian constitution is honorably distinguished by exemption from it. The 10th and 11th articles of our treaty with Prussia, or articles to the like effect, may be proposed for insertion in the projected treaty; and after setting the first example in South America, of a constitution unsullied by prohibitions of religious liberty, Colombia will deserve new honors in the veneration of present and future ages, by giving her *positive* sanction to the freedom of conscience, and by stipulating it in her first treaty with these United States. It is, in truth, an essential part of the system of American independence. Civil, political, commercial, and religious liberty, are but various modifications, of one great principle, founded in the unalienable rights of human nature, and before the universal application of which, the colonial domination of Europe, over the American hemisphere, has fallen, and is crumbling into dust. *Civil* liberty

can be established on no foundation of human reason, which will not at the same time demonstrate the *right* to religious freedom. The tendency of the spirit of the age is so strong towards religious liberty, that we cannot doubt it will soon banish from the constitutions of the southern republics of this hemisphere, all those intolerant religious establishments, with which they have hitherto been trammelled. Religious and military coercion will be alike discarded from all the institutions framed for the protection of human rights, in civil society of independent nations ; and the freedom of opinion and of faith, will be guaranteed by the same sanction as the rights to personal liberty and security. To promote this event by all the moral influence which we can exercise, whether of example, of friendly counsel, or of persuasion, is among the duties which devolve upon us in the formation of our future relations with our southern neighbors ; and in the intercourse which is hereafter to subsist between us, as their citizens who may visit, or transiently reside with us, will enjoy the benefit of religious freedom in its utmost latitude ; we are bound to claim for our countrymen, who may occasionally dwell for a time with them, the reciprocal exercise of the same natural rights.

In the present imperfect state of our information with regard to the existing commerce between the two countries, and the uncertainty what its future and permanent relations may be, it would be useless to enter into any further detail of articles, which it may be proper to propose for the intended treaty of commerce. The republic of Co-

lombia, if permanently organized, to embrace the whole territory which it now claims, and blessed with a government, effectually protective of the rights of its people, is undoubtedly destined to become, hereafter, one of the mightiest nations of the earth. Its central position upon the surface of the globe ; directly communicating at once with the Pacific and Atlantic oceans, north and south, with the Caribbean sea and the gulf of Mexico, brings it into relations of proximity with every other part of the world, while the number and variety of its ports, on every sea by which it is surrounded ; the magnitude and extent of its navigable rivers, three of which, the Amazon, the Orinoco and the Magdalena, are among the largest in the world, intersecting with numberless tributary streams, and, in every direction, the continent of South America, and furnishing the means of water-communications, from every point of its circumference, to every spot upon its surface ; the fertility of its soil, the general healthiness and beauty of its climate ; the profusion with which it breeds and bears the precious and the useful metals, present a combination of elements, unparalleled in the location of the human race ; and relieve at least from all charge of enthusiasm, the sentiment expressed by the late Mr. Torres, that this republic appeared to have been destined, by the Author of nature, "as the centre and the *empire* of the human family."

But it is to *man*, placed in a paradise like this, that nature with her loudest voice, exclaims : "God to *thee* has done his part—do thine," and the part of man so gifted and so endowed, is to enjoy.

and to communicate the bounties of Providence, so largely lavished upon him, and not to fancy himself destined to the *empire* of the human family. If the natural advantages, bestowed upon the Colombian territory, were to be improved by its inhabitants, only for purposes of empire, that, which nature has bestowed as a blessing upon them, would, in its consequences, prove a curse inflicted upon the rest of mankind. The territory of Colombia contains, at this moment, little more than three millions and a half of souls. Were it only as populous as its late parent country, Spain, it would bear one hundred millions, and, if as populous as France, nearly three times that number. At the most rapid rate of increase, which human population has ever attained, even a doubling every quarter of a century, the republic of Colombia, for two hundred years to come, may devote all her exertions to the improvement of her internal means of subsistence, for the multiplying myriads of her people, without seeking support from the extension of her empire beyond her own borders. Let her look to *commerce* and *navigation*, and not to empire, as her means of communication with the rest of the human family. These are the principles upon which *our* confederated republic is founded, and they are those upon which we hope our sisters of the southern continent will ultimately perceive it to be for their own welfare, no less than for that of the world, that they should found themselves.

The *materials* of commercial intercourse, between the United States and the Colombian republic, are at present not many. Our ex-

ports to it hitherto, have been confined to flour, rice, salted provisions, lumber, a few manufactured articles, warlike stores and arms, and some East India productions, for which we have received cocoa, coffee, indigo, hides, copper and specie. Much of this trade has originated and has continued, only by the war in which that country has been engaged, and will cease with it. As producing and navigating nations, the United States and Colombia will be rather competitors and rivals than customers to each other. But, as navigators and manufacturers, *we* are already so far advanced in a career, upon which *they* are yet to enter, that we may, for many years after the conclusion of the war, maintain with them a commercial intercourse, highly beneficial to both parties, as *carriers* to and for them of numerous articles of manufacture and of foreign produce. It is the nature of commerce, when unobstructed by the interference of authority, to find its own channels, and to make its own way. Let us only not undertake to regulate that which will best regulate itself.

In the conferences between Dr. Gual and Mr. Todd, the Colombian minister of foreign affairs has spoken of treaties, *almost* treaties of alliance, concluded by the Colombian plenipotentiary, Mosquera, with the governments of Peru and of Chili, and which he expected would also be shortly concluded with Buenos Ayres. The purport of these treaties was mentioned by Dr. Gual only in general terms, but he said that Mr. Salazar would be authorised to communicate copies of them to this government, and eventually to propose that the

United States should accede to them, or take a part in the system, which it was their purpose to originate. In January last, about the same time when Dr. Gual was making this confidential communication to Mr. Todd, we learn by despatches from Mr. Forbes, that Mr. Mosquera was at Buenos Ayres, and had made his proposals of negotiation to the government there. Mr. Forbes speaks doubtfully of his prospects of success. The general intention, but not the specific purport of the treaties, had also been communicated by Mr. Mosquera to Mr. Forbes. But the Colombian minister had been more confidential with Mr. Prevost, who, in a despatch dated the 14th of December last, states that he had obtained a sight of the original treaty. He describes it in a preceding letter, as a treaty of alliance offensive and defensive, containing "a pledge from each of the contracting parties to send deputies to the isthmus, within a limited time, for the double purpose of effecting an union in support of a representative system throughout, and of preventing partial associations with any one of the powers in Europe. An agent (he adds) has gone to Mexico with the same object, and it is in contemplation, as soon as the several treaties shall be ratified by Colombia, to invite a representation from the United States, to preside at a meeting intended to assimilate the politics of the south with those of the north;" and in a letter of 14th December, after having seen the treaty, he says, "it embraces in the most express terms, the several objects to which I alluded, together with a stipulation not to enter into partial arrangements with Spain, and not

to listen to overtures on her part, unaccompanied with an acknowledgment of the independence of all."

Mr. Prevost, as well as Dr. Gual, entertains higher expectations of the success of this negotiation at Buenos Ayres than Mr. Forbes. Mr. Prevost thinks that it must succeed, although the government of Buenos Ayres is secretly averse to it, and implicated in secret intrigues with the Portuguese government and general Le Cor, for a confederacy of a different character. Dr. Gual told Mr. Todd that proposals had been made by the Portuguese government at Lisbon, to Colombia, for a general confederacy of all America, north and south, together with the constitutional governments of *Portugal* and Spain, as a counterpoise to the European *holy alliance*; but he said they had been rejected on account of their *European aspect*. Loose and indefinite projects of the same kind have been presented by the present Portuguese government to us, but they have never been considered even as objects of deliberation: Brazil has declared its own independence of Portugal, and constituted itself into an empire with an emperor at its head. General Le Cor has lost the real command of his own army, and has been, or cannot fail shortly to be, compelled to embark, with all his European Portuguese troops, for Lisbon. Then will come the question between Buenos Ayres and Brazil, for Monte Video and the Oriental Band of La Plata.

Of this mighty movement in human affairs, mightier far than that of the downfall of the Roman empire, the United States may continue to be, as they have been

hitherto, the tranquil, but deeply attentive spectators. They *may*, also, in the various vicissitudes by which it must be followed, be called to assume a more active and leading part in its progress. Floating, undigested purposes of this great American confederation have been for sometime fermenting in the imaginations of many speculative statesmen, nor is the idea to be disdainfully rejected, because its magnitude may appal the understanding of politicians accustomed to the more minute, but more complicated machinery of a contracted political standard.

So far as the proposed Colombian confederacy has for its object a combined system of total and unqualified *independence* of Europe, to the exclusion of all partial compositions of any one of the emancipated colonies, with Spain, it will have the entire approbation and good wishes of the United States, but will require no special agency of theirs to carry it into effect.

So far as its purposes may be to concert a general system of popular representation for the government of the several independent states which are floating from the wreck of the Spanish power in America, the United States will still cheer it with their approbation, and speed with their good wishes its success.

And so far as its objects may be to accomplish a meeting, at which the United States should preside, to assimilate the politics of the south with those of the north, a more particular and definite view of the end proposed by this design, and of the means by which it is to be effected, will be necessary to enable us to determine up-

on our concurrence with it. An agent from France, named Molien, and Mr. Lorch, the consul-general of Sweden in the United States, arrived at Bogota in January last. Dr. Gual told Mr. Todd, that Molien had no letters or avowed powers, though he had intimated he was there by authority; that he was considered as a spy on behalf of a faction in France. "He had insinuated that the United States were *influenced by interested motives*, in recognizing the new governments in South America, *that our influence in Europe had been impaired* by a measure which *was considered premature*; and that he supposed we were now endeavoring to procure exclusive advantages for having been the first to recognize." And Dr. Gual added, that Mr. Molien undertook "to give him some advice as to our views." Mr. Lorch came with authority.

The political systems of Europe are all founded upon partial rights and *exclusive* privileges. The colonial system had no other basis; and having no generous or liberal views of their own, it is not surprising that they should entertain and disseminate suspicions of the disinterestedness of others. The French government sends an agent to Bogota, without daring to trust him with a credential or an avowed power; and he executes his commission by misrepresenting our motives, upon *suspensions*, which those to whom he makes the misrepresentations know to be unfounded, and by testifying to those who were benefitted by our recognition, that we had made it by the sacrifice of some part of our influence in Europe. It must be admitted that the address of the agent in the performance of his



trust, was upon a level with the candor and frankness in which it originated.

We are well aware that our recognition of South American independence was not palatable to the taste of any of the European governments. But we felt that it was a subject upon which it became us to take the lead, and as we knew that the European governments, sooner or later must and would, whether with good or with bad grace, follow our example, we determined that both Europe and America should have the benefit of it. We hope, also, and this is the only return which we ask, and have a right to ask, from the South Americans for our forwardness in their favor, that Europe will be compelled to follow the whole of our example; that is, to recognize without condition and without equivalent. We claim no exclusive privilege for ourselves. We trust to the sense of justice, as well as to the interest of the South Americans, the denial of all exclusive privileges to others. The Colombian government, at various times, have manifested a desire that the United States should take some further and active part in obtaining the recognition of their independence by the European governments, and particularly by Great Britain. This has been done even before it was solicited. All the ministers of the United States in Europe, have, for many years, been instructed to promote the cause, by any means consistent with propriety, and adapted to their end, at the respective places of their residence. The formal proposal of a concerted recognition was made to Great Britain, before the congress of Aix La Chapelle. At

the request of Mr. Torres, on his dying bed, and signified to us after his decease, Mr. Rush was instructed to give every aid in his power, without offence to the British government, to obtain the admission of Mr. Ravenga; of which instruction we have recent assurances from Mr. Rush that he is constantly mindful. Our own recognition undoubtedly opened all the ports of Europe to the Colombian flag, and your mission to Colombia, as well as those to Buenos Ayres and Chili, cannot fail to stimulate the cabinets of maritime Europe, if not by the liberal motives which influenced us, at least by selfish impulses, to a direct, simple, and unconditional recognition. We shall pursue this policy steadily through all the changes to be foreseen, of European affairs. There is every reason to believe that the preponderating tendency of the war in Spain, will be to promote the universal recognition of all the South American governments; and, at all events, our course will be to promote it by whatever influence we may possess."

"One of the complaints of Mr. Lowry, was relative to the case of the ship *Caravan*, from Providence, captured by a Colombian cruiser, and carried into La Guayra, where the vessel had been cleared as neutral; and the cargo condemned as enemy's property. Mr. Lowry had invoked the stipulations of various treaties establishing and recognizing the principle that free ships make free goods; the application of which is denied by Dr. Gual, who appealed to the instructions from Mr. Pickering, in 1797, to Messrs. Marshall, Pinckney, and Gerry, our envoys in France.



By the general *usage* of nations, independent of treaty stipulations, the property of an enemy is liable to capture in the vessel of a friend. It is not possible to justify this rule upon any sound principle of the law of nature; for, by that law, the belligerent party has no right to pursue or attack his enemy without the jurisdiction of either of them. The high seas are a general jurisdiction common to all, qualified by a special jurisdiction of each nation over its own vessels. As the theatre of general and common jurisdiction, the vessels of one nation and their commanders have no right to exercise over those of another any act of authority whatsoever. This is universally admitted in time of peace. War gives the belligerent a right to pursue his enemy within the jurisdiction common to both; but not into the special jurisdiction of the neutral party. If the belligerent has a right to take the property of his enemy on the seas, the neutral has a right to carry *and protect* the property of his friend on the same element. War gives the belligerent no natural right to take the property of his enemy from the vessel of his friend. But as the belligerent is armed, and the neutral, as such, is defenceless, it has grown into *usage* that the belligerent should take the property of his enemy; paying the neutral his freight, and submitting the question of facts to the tribunals of the belligerent party. It is evident, however, that this *usage* has no foundation in natural right, but has arisen merely from *force*, used by the belligerent, and which the neutral in the origin did not resist, because he had not the power. But it is a usage harsh and cruel in its opera-

tion, and unjust in its nature: and it never fails, in time of maritime war, to produce irritation and animosity between the belligerent and the neutral. So universally has this been found to be its consequence, that *all* the maritime nations of modern Europe have shown their sense of it, by stipulating in treaties the contrary principle, namely, that the property of an enemy shall be *protected* in the vessel of a friend. Great Britain herself, the most unwilling to admit this principle, because the most enabled to use the *force* upon which the usage is founded, has recognized the superior justice and expediency of the other principle, by stipulating it at distant intervals of time, in two treaties with France; the treaty of Utrecht, and the treaty of commerce, of 1786. In the seven years' war, the king of Prussia resisted the capture, by British vessels, of the property of their enemies, in the vessels of his subjects, then neutrals, and made reprisals upon British property for such captures. The question was then ultimately settled by a compromise, under which the British government paid a large sum of money for indemnity to the Prussian subjects who had suffered by those captures. The armed neutrality of the American war, is a memorable example of the testimony by all the civilized nations of the world, to the principle, that the protection of all property, excepting contraband of war, on board of neutral vessels, by neutral force, is of *natural* right—and of this principle there can be no question. If, however, a belligerent power, founded upon the *usage* which has superseded the natural right, practices the seizure and condemna-

tion of enemy's property found in the vessel of a friend, it remains for the neutral to decide, whether he will acquiesce in the usage, or whether he will maintain his natural right by force. No neutral nation is bound to submit to the usage: for it has none of the properties which can give to any usage the sanction of obligatory law. It is not reasonable. It is not conformable to the law of nature. It is not *uninterrupted*. But reduced to the option of maintaining its right by force, or of acquiescing in the disturbance of it which has been usual, the neutral nation may yield at one time to the usage, without sacrificing her right to vindicate by force the security of her flag at another. And the belligerent nation, although disposed to admit the right of neutrals to protect the property of her enemy upon the seas, may yet justly refuse the benefit of this principle, unless admitted also by the enemy, for the protection of her property, by the same neutral flag. Thus stands the state of this question upon the foundations of *natural, voluntary, and customary* law. How stands it between us and the republic of Colombia, on the ground of *conventional* law? By a treaty between the United States and Spain, concluded at a time when Colombia was a part of the Spanish dominions, and so far as the *Spanish* laws would admit, enjoyed the benefit of its stipulations, the principle that free ships make free goods, was expressly recognized and established. Is it asserted that by her declaration of independence, Colombia has been entirely released from all the obligations by which, as a part of the Spanish na-

tion, she was bound to other nations? This principle is not tenable. To all the engagements of Spain with other nations, affecting their rights and interests, Colombia, so far as she was affected by them, remains bound in honor and in justice. The stipulation now referred to is of that character, and the United States, besides the natural right of protecting by force, in their vessels on the seas, the property of their friends, though enemies of the republic of Colombia, have the additional claim to the benefit of the principle, by an express compact with Spain, made when Colombia was a Spanish country. Again, by the late treaty of 22d February, 1819, between the United States and Spain, it is agreed, that the 15th article of the treaty of 1795, in which it is stipulated that the flag shall cover the property, shall be so understood with respect to those powers, who recognize the principle: but, if either of the two contracting parties shall be at war with a third party, and the other neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge the principle, and not of others.

This treaty having been concluded after the territories, now composing the republic of Colombia, had ceased to acknowledge the authority of Spain, they are not parties to it, but their rights and duties in relation to the subject matter remain as they had existed before it was made. Nor will she be affected by it at all, if she continues to acknowledge in her new national character, and with reference to the United States, the principle that free ships make

free goods, which was the conventional law between them while Colombia was a part of Spain.

You will urge all these considerations upon the Colombian minister of foreign affairs, to obtain restitution of the cargo of the Caravan, or indemnity for it. The claim rests upon foundations so solid, that it is earnestly hoped your representations in its favor will be successful; and in the negotiation of the treaty you will press, in like manner, for the insertion of an article of the same purport as that of our last treaty with Spain above recited. This principle can with safety be recognized only to that extent; and to that extent the United States would willingly assent to it with every other nation. It is a principle favorable to the rights of peace, and of a pacific spirit and tendency. It is recommended by every humane and liberal consideration, as a rule of universal application. But the nation which would enjoy the benefit of it, as a neutral, or as a passive belligerent, resorting to the neutral flag, must also recognize it as an active belligerent, and suffer the property of her enemy to be conveyed safely by the same flag which safely conveys hers; otherwise the liberal principle of itself is turned to the advantage of the belligerent which rejects it, and the mild spirit of peace is made subservient to the unfeeling rapacity of war.

Our intercourse with the republic of Colombia, and with the territories of which it is composed, is of recent origin, formed while their own condition was altogether revolutionary, and continually changing its aspect. Our informa-

tion concerning them is imperfect, and among the most important objects of your mission will be that of adding to its stores; of exploring the untrodden ground, and of collecting and transmitting to us the knowledge by which the friendly relations between the two countries may be extended and harmonized to promote the welfare of both, with due regard to the peace and good will of the whole family of civilized man. It is highly important that the first foundations of the permanent future intercourse between the two countries should be laid in principles, benevolent and liberal in themselves, congenial to the spirit of our institutions, and consistent with the duties of universal philanthropy.

In all your consultations with the government to which you will be accredited, bearing upon its political relations with this union, your unvarying standard will be the spirit of independence and of freedom, as *equality* of rights and favors will be that of its commercial relations. The emancipation of the South American continent opens to the whole race of man prospects of futurity, in which this union will be called, in the discharge of its duties to itself and to unnumbered ages of posterity, to take a conspicuous and leading part. It involves all that is precious in hope, and all that is desirable in existence, to the countless millions of our fellow creatures, which, in the progressive revolution of time, this hemisphere is destined to rear and to maintain.

That the fabric of our social connections with our southern neighbours may rise, in the lapse of years, with a grandeur and har-

mony of proportion corresponding with the magnificence of the means, placed by Providence in our power, and in that of our descendants, its foundations must be laid in principles of politics and morals, new and distasteful to the thrones and dominations of the elder world; but co-extensive with the surface of the globe, and lasting as the changes of time.

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MR. CLAY to MR. MIDDLETON,  
*dated 10th May, 1825.*

Sir—I am directed by the president to instruct you to endeavor to engage the Russian government to contribute its best exertions towards terminating the existing contest between Spain and her colonies.

Among the interests which, at this period, should most command the serious attention of the nations of the old and new world, no one is believed to have a claim so paramount as that of the present war. It has existed, in greater or less extent, seventeen years. Its earlier stages were marked by the most shocking excesses, and, throughout, it has been attended by an almost incalculable waste of blood and treasure. During its continuance, whole generations have passed away, without living to see its close, whilst others have succeeded them, growing up from infancy to majority, without ever tasting the blessings of peace. The conclusion of that war, whatever and whenever it may be, must have a great effect upon Europe and America. Russia is so situated as that, whilst she will be less directly affected than other parts of Christendom, her weight and her councils must have a controlling influence on its useless protraction

or its happy termination. If this peculiar attitude secures her impartiality, it draws to it great responsibility in the decision which she may feel it proper to make. The predominance of the power of the emperor is every where felt. Europe, America, and Asia, all own it. It is with a perfect knowledge of its vast extent and the profoundest respect for the wisdom and the justice of the august personage who wields it, that his enlightened and humane councils are now invoked.

In considering that war, as in considering all others, we should look back upon the past, deliberately survey its present condition, and endeavor, if possible, to catch a view of what is to come. With respect to the first branch of the subject, it is, perhaps, of the least practical importance. No statesman can have contemplated the colonial relations of Europe and continental America, without foreseeing that the time must come when they would cease. That time might have been retarded or accelerated, but come it must, in the great march of human events. An attempt of the British parliament to tax, without their consent, the former British colonies, now these United States, produced the war of our revolution, and led to the establishment of that independence and freedom which we now so justly prize. Moderation and forbearance, on the part of Great Britain, might have postponed, but could not have prevented our ultimate separation. The attempt of Bonaparte to subvert the ancient dynasty of Spain, and to place on its throne a member of his own family, no doubt hastened the independence of the Spanish colonies.

If he had not been urged by his ambition to the conquest of the peninsula, those colonies, for a long time to come, might have continued quietly to submit to the parental sway. But they must have inevitably thrown it off, sooner or later. We may imagine that a vast continent, uninhabited, or thinly peopled by a savage and untutored race, may be governed by a remote country, blessed with the lights and possessed of the power of civilization; but it is absurd to suppose that this same continent, in extent twenty times greater than that of the parent country, and doubling it in a population equally civilized, should not be able, when it chooses to make the effort, to cast off the distant authority. When the epoch of separation between a parent state and its colony, from whatever cause, arrives, the struggle for self-government on the one hand, and for the preservation of power on the other, produces mutual exasperation, and leads to a most embittered and ferocious war. It is then that it becomes the duty of third powers to interpose their humane offices, and calm the passions, and enlighten the councils of the parties. And the necessity of their efforts is greatest with the parent country, whose pride and whose wealth and power, swelled by the colonial contributions, create the most repugnance to an acquiescence in a severance which has been ordained by Providence.

In the war which has so long been raging between Spain and her colonies, the United States have taken no part either to produce or sustain it. They have been inactive and neutral spectators of the passing scenes. Their

frankness forbids, however, that they should say that they have beheld those scenes with feelings of indifference. They have, on the contrary, anxiously desired, that other parts of this continent should acquire and enjoy that independence with which, by the valor and the patriotism of the founders of their liberty, they have been, under the smiles of heaven, so greatly blessed.

But, in the indulgence of this sympathetic feeling, they have not, for one moment, been unmindful of the duties of that neutrality which they had deliberately announced. And the best proof of the fidelity with which they have strictly fulfilled its obligations, is furnished in the fact, that during the progress of the war, they have been unjustly accused, by both parties, of violating their declared neutrality. But it is now of little consequence to retrace the causes remote or proximate, of the revolt of the Spanish colonies. The great and much more important consideration which will, no doubt, attract the attention of his imperial majesty, is the present state of the contest. The principles which produced the war, and those which may be incorporated in the institutions of the new states, may divide the opinions of men. Principles, unhappily, are too often the subject of controversy. But notorious facts are incontestible. They speak a language which silences all speculation, and should determine the judgment and the conduct of states, whatever may be the school in which their rulers are brought up or practised, and whatever the social forms which they would desire to see established. And it is to the voice of such facts that Eu-

rope and America are now called upon patiently to listen.

And, in contemplating the present state of the war, what are the circumstances which must forcibly strike every reflecting observer? Throughout both continents, from the western limits of the United States to Cape Horn, the Spanish power is subdued. The recent decisive victory of Ayachuco has annihilated the last remains of the Spanish force. Not a foot of territory, in all that vast extent, owns the dominion, not a bayonet sustains the cause of Spain. The war, in truth, has ended. It has been a war between a contracted corner of Europe, and an entire continent; between ten millions of people, amidst their own extraordinary convulsions, fighting, at a distance, across an ocean of three thousand miles in extent, against twenty millions contending at home, for their lives, their liberty, and their property. Henceforward, it will present only the image of a war between an exhausted dwarf, struggling for power and empire, against a refreshed giant, combatting for freedom and existence. Too much confidence is reposed in the enlightened judgment of his imperial majesty, to allow of the belief that he will permit any abatement of his desire to see such a war formally terminated, and the blessings of peace restored, from sympathies which he may feel, however strong, for the unhappy condition of Spain. These very sympathies will naturally lead his imperial majesty to give her the best and most friendly advice in her actual posture. And in what does that consist? His imperial majesty must be the exclusive, as he is the most compe-

tent judge. But it will not be deemed inconsistent with respect, to inquire, if it be possible to believe that Spain can bring the new states again under her dominion? Where does the remotest prospect of her success break out? In Colombia, Mexico, or Peru? The reconquest of the United States by Great Britain, would not be a more mad and hopeless enterprize than that of the restoration of the Spanish power on those continents. Some of the most considerable of the new states have established governments, which are in full and successful operation, regularly collecting large revenues, levying and maintaining numerous and well appointed armies, and already laying the foundations of respectable marines. While they are consolidating their institutions at home, they are strengthening themselves abroad by treaties of alliance among themselves, and of the amity and commerce with foreign states. Is the vain hope indulged that intestine divisions within the new states will arise, which may lead to the recall of the Spanish power, as the Stuarts were recalled in England, and the Bourbons in France, at the close of their respective revolutions?

We should not deceive ourselves. Admidst all the political changes, which the new states are destined to be the theatre, whatever party or power may be uppermost, one spirit will animate them all, and that is, an invincible aversion from all political connection with Spain, and an unconquerable desire of independence. It could not be otherwise. They have already tasted the fruits of independence. And the contrast between what their condition now is, in the possession



of her commerce, liberal institutions and all the faculties of their country, and its population allowed full physical and moral developement, and what it was, under Spain, cramped, debased, and degraded, must be fatal to the chimerical hope of that monarchy, if it be cherished, by any means whatever to re-establish her power. The cord which binds a colony to its parent country, being once broken, is never repaired. A recollection of what was inflicted and what was borne, during the existence of that relation, the pride of the former governing power, and the sacrifices of the interests of the colony to those of the parent, widen and render the breach between them, whenever it occurs, perpetual. And if, as we may justly suppose, the embittered feelings excited by an experience of that unequal connection, are in proportion to the severity of the parental rule, they must operate with irresistible force on the rupture which has taken place between Spain and her colonies, since in no other instance has it been exerted with such unmitigated rigor.

Viewing the war as practically terminated, so far, at least, as relates to Spanish exertion on the continent, in considering the third branch of the inquiry which I proposed, let us endeavour to anticipate what may be expected to happen, if Spain obstinately perseveres in the refusal to conclude a peace. If the war has only a nominal continuance, the new republics cannot disband their victorious armies without culpable neglect of all the maxims of prudence and precaution. And the first observation that occurs is, that this protracted war must totally change its character and its objects. Instead of be-

ing a war of offensive operations, in which Spain has been carrying on hostilities in the bosom of the new states, it will become one to her of a defensive nature ; in which all her future exertions must be directed to the protection and defence of her remaining insular possessions. And thus the Peninsula, instead of deriving the revenue and the aid so necessary to the revival of its prosperity, from Cuba and Porto Rico, must be further drained to succour those islands. For it cannot be doubted that the new states will direct their combined and unemployed forces to the reduction of those valuable islands. They will naturally strike their enemy wherever they can reach him. And they will be stimulated to the attack by the double motive arising from the richness of the prize, and from the fact that those islands constitute the rendezvous of Spain, where are concentrated, and from which issue, all the means of annoying them which remain to her. The success of the enterprise is by no means improbable. Their proximity to the islands, and their armies being perfectly acclimated, will give to the united efforts of the republics great advantages. And, if with these be taken into the estimate the importance and well known fact, that a large portion of the inhabitants of the islands is predisposed to a separation from Spain, and would, therefore, form a powerful auxiliary to the republican arms, their success becomes almost certain. But even if they should prove incompetent to the reduction of the islands, there can be but little doubt that the shattered remains of Spanish commerce would be swept from the ocean. The advantages of the positions of Co-



lombia and Mexico for annoying that commerce, in the gulf of Mexico and the Carribean sea, must be evident from the slightest observation. In fact, Cuba is in the mouth of a sack, which is held by Colombia and the United Mexican states. And if, unhappily for the repose of the world, the war should be continued, the coasts of the Peninsula itself may be expected soon to swarm with the privateers of the republics. If, on the contrary, Spain should consent to put an end to the war, she might yet preserve what remains of her former American possessions. And surely the retention of such islands as Cuba and Porto Rico is eminently worthy of serious consideration, and should satisfy a reasonable ambition. The possessions of Spain in the West Indies would be still more valuable than those of any other power. The war ended, her commerce would revive, and there is every reason to anticipate, from the habits, prejudices and tastes of the new republics, that she would find in the consumption of their population, a constantly augmenting demand for the produce of her industry now excluded from its best markets. And her experience, like that of Great Britain with the United States, would demonstrate that the value of the commercial intercourse would more than indemnify the loss, whilst it is unburdened with the expense, incident to political connection.

A subordinate consideration, which should not be overlooked, is, that large estates are owned by Spanish subjects, resident in Spain, which may possibly be confiscated, if the war be wantonly continued. If that measure of rigor shall not be adopted, their incomes must be

greatly diminished, during a state of war. These incomes, upon the restoration of peace, or the proceeds of the sales of the estates themselves, might be drawn to Spain, and would greatly contribute towards raising her from her present condition of embarrassment and languishment. If peace should be longer deferred, and the war should take the probable direction which has been supposed during its further progress, other powers, not now parties, may be collaterally drawn into it. From much less considerable causes, the peace of the world has been often disturbed. From the vicinity of Cuba to the United States, its valuable commerce, and the nature of its population, their government cannot be indifferent to any political change to which that island may be destined.

Great Britain and France also have deep interest in its fortunes, which must keep them wide awake to all those changes. In short, what European state has not much at stake, direct or indirect, in the destiny, be it what it may, of that most valuable of all the West India islands? The reflections and the experience of the emperor, on the vicissitudes of war, must have impressed him with the solemn duty of all governments to guard against even the distant approach of that most terrible of all scourges, by every precaution with which human prudence and foresight can surround the repose and safety of states.

Such is the view of the war between Spain and the new republics, which the president desires you most earnestly, but respectfully, to present to his imperial majesty. From this view, it is evident, that it is not so much for the new states themselves, as for Spain, that peace

has become absolutely necessary. Their independence of her, whatever intestine divisions may, if intestine divisions shall yet unhappily await them, is fixed and irrevocable. She may, indeed, by a blind and fatal protraction of the war, yet lose more ; gain, for her, is impossible. In becoming the advocate for peace, one is the true advocate of Spain. If the emperor shall, by his wisdom, enlighten the councils of Spain, and bring home to them a conviction of their real interest, there can be no fears of the success of his powerful interposition. You are authorised, in the spirit of the most perfect frankness and friendship which have ever characterized all the relations between Russia and the United States, to disclose, without reserve, the feelings and the wishes of the United States, in respect to Cuba and Porto Rico. They are satisfied with the present condition of those islands, now open to the commerce and enterprise of their citizens. They desire, for themselves, no political change in them. If Cuba were to declare itself independent, the amount and the character of its population render it improbable that it could maintain its independence.

Such a premature declaration might bring about a renewal of those shocking scenes of which a neighboring island was the afflicting theatre. There could be no effectual preventive of these scenes, but in the guaranty, and a large resident force of foreign powers. The terms of such a guaranty, in the quotas which each should contribute, of such a force, would create perplexing questions of very difficult adjustment, to say nothing of the continual jealousies which

could be in operation. In the state of possession which Spain has, there would be a ready acquiescence of those very foreign powers, all of whom would be put into angry activity upon the smallest prospect of a transfer of those islands. The United States could not, with indifference, see such a transfer to any European power. And if the new republics, or either of them, were to conquer them, their maritime force, as it now is, or, for a long time to come, is likely to be, would keep up constant apprehensions of their safety. Nor is it believed that the new states desire, or will attempt the acquisition, unless they shall be compelled, in their own defence, to make it by the unnecessary prolongation of the war. Acting on the policy which is here unfolded, the government of the United States, although they would have been justified to have seized Cuba and Porto Rico, in the first protection of the lives and the commerce of their citizens, which have been a prey to infamous pirates, finding succor and refuge in Spanish territory, have signally displayed their patience and moderation by a scrupulous respect of the sovereignty of Spain, who was herself bound, but has utterly failed, to repress those enormities.

Finally, the president cherishes the hope that the emperor's devotion to peace, no less than his friendship for Spain, will induce him to lend the high authority of his name to the conclusion of a war, the further prosecution of which must have the certain effect of an useless waste of human life. No power has displayed more solicitude for the repose of the world, than Russia, who has recently given the strongest evidence of her

unwillingness to disturb it in the east, by unexampled moderation and forbearance. By extending to America the blessings of that peace which, under the auspices of his imperial majesty, Europe now enjoys, all parts of this continent will have grateful occasion for regarding him, as the United States ever have done, as their most potent and faithful friend.

This despatch is confined to your discretion to be communicated in extenso, or its contents disclosed in such other manner, to the government of Russia, as shall appear to you most likely to accomplish its object.

I have the honor to be, sir, with great respect, your obedient and very humble servant,

H. CLAY.

MR. MIDDLETON TO MR. CLAY.  
*To the Secretary of State, &c. &c.*  
St. Petersburg, 27th Aug. 1825.

Sir—I have the honor to forward herewith a copy of the answer of the Russian secretary of state, to my note of 2d July last, by which I had communicated to this government, *in extenso*, the instructions I had received by your despatch, No. 1.

I think I am warranted in considering this answer to be, *in substance*, (when divested of diplomatic garb,) in every respect as favorable to the views developed in your despatch, as could possibly be expected to be given by this government, standing in the predicament it now does. We are left to infer from it, that the proposal that the emperor shall lend his aid towards the conclusion of the war between Spain and her colonies, by interposing his good offices in the form

of pacific counsel to the mother country, has been communicated to the allied cabinets, and I am fully of opinion, that the majority, if not the whole of them, will agree to it. If such should be the event, the diplomatic committee sitting at Paris will be instructed accordingly. The chief difficulty to be overcome, will be in the cabinet of the king of Spain, where it is understood, that *all parties* are opposed to the independence of the colonies. The necessity of the case, however, begins to be so crying, that a hope may be entertained, that even there, the counsels of wisdom may, ere long, be listened to. For obvious reasons we must not expect to learn, *officially*, that such advice, as that alluded to above, has been given, unless it should be attended to.

I have the honor to be, sir, very faithfully, your very obedient servant,  
HENRY MIDDLETON.

COUNT NESSELRODE TO MR. MIDDLETON.

The undersigned, secretary of state, directing the imperial administration of foreign affairs, hastened to submit to the emperor the note with which Mr. Middleton, envoy extraordinary and minister plenipotentiary of the United States of America, did the honor to address him, on the 2d July last, accompanying a copy of the despatch from Mr. Clay, in which that minister, in the name of the cabinet at Washington, urges the necessity of confirming the general peace, by terminating the contest of the Spanish colonies against the government of his catholic majesty; of securing to Spain the peaceful possession of the islands of Cuba

and Porto Rico; and of effecting these objects by the impartial intervention of Russia.

The principles of the emperor were sufficiently known to the government of the United States, to justify the perfect confidence, that in expressing a wish for the continuance and confirmation of the peace enjoyed by the world, it did but represent the most sincere desire of his imperial majesty, that, in professing a generous solicitude for the rights of Spain, over her islands in the West Indies, it avowed principles that had long since been adopted by Russia, as the bases of her political system; and that, in anticipating perfect impartiality and true disinterestedness from her intervention, it was not deceived as to the sentiments of the emperor, in relation to all arrangements in which foreign powers might be pleased to claim or admit his good offices.

His imperial majesty felicitates himself with having inspired this confidence in the United States of America, and the undersigned is charged to invite Mr. Middleton to convey to his government the assurance of the high value at which the emperor estimates those sentiments, of which new evidence is furnished by its present propositions.

The opinions of his imperial majesty, as to the question discussed by Mr. Clay in his despatch, cannot be concealed from the cabinet of Washington. His imperial majesty has ever thought that justice, the law of nations, and the general interest in having the indisputable titles of sovereignty respected, could not allow the determinations of the mother country in this important case, to be prejudged or anticipated. On the other

side, whenever Spain has wished to discuss the future condition of South America, she has addressed overtures to all the allied powers of Europe. It will not be possible, therefore, for his imperial majesty to change principles in this negotiation, nor to institute it separately (insolement;) and until positive information has been received of the ulterior views of Spain, in regard to her American possessions, of her decision upon the proposition of the United States, and of the opinions of her allies in relation to the same subject, Russia cannot give a definitive answer.

She is, however, in the meanwhile, pleased to hope, that the United States, becoming every day more convinced of the evils and dangers that would result to Cuba and Porto Rico from a change of government, being satisfied, as Mr. Clay has said, in his despatch, with the present commercial legislation of these two islands, and deriving an additional motive of security from the honorable resolution of Spain not to grant to them any longer, letters of marque, will use their influence in defeating, as far as may be in their power, every enterprise against these islands, in securing to the rights of his catholic majesty constant and proper respect, in maintaining the only state of things that can preserve a just balance of power in the sea of the Antilles, prevent shocking examples, and, as the cabinet of Washington has remarked, secure to the general peace, salutary guarantees. The undersigned seizes with pleasure this occasion to repeat to Mr. Middleton, the assurances of his very distinguished consideration.

NESSELRODE.

St. Petersburg, Aug. 20, 1825.

MR. CLAY TO MR. MIDDLETON.

*Department of State,*

Washington, 26th Dec. 1825.

Sir—Your despatches, No. 48 and 49, have been duly received and submitted to the president. He sees with much satisfaction, that the appeal which has been made through you to the emperor of Russia, to employ his friendly offices in the endeavor to bring about a peace between Spain and the new American republics, has not been without favorable effect. Considering the intimate and friendly relations which exist between the emperor and his allies, it was perhaps not to be expected, that, previous to consultations with them, language more explicit should be held than that which is contained in count Nesselrode's note. Although very guarded, it authorizes the belief that the preponderating influence of Russia has been thrown into the scale of peace. Notwithstanding predictions of a contrary result, confidently made by Mr. Secretary Canning, this decision of the emperor corresponds with the anticipations which have been constantly entertained here, ever since the president resolved to invoke his intervention. It affords strong evidence both of his humanity and his enlightened judgment. All events out of Spain seem now to unite in their tendency towards peace; and the fall of the castle of St. Juan d'Ulloa, which capitulated on the 18th day of last month, cannot fail to have a powerful effect within that kingdom. We are informed that, when information of it reached the Havana, it produced great and general sensation: and that the local government immediately despatched a fast sailing vessel to Cadiz to commu-

nicate the event, and, in its name, to implore the king immediately to terminate the war, and acknowledge the new republics, as the only means left of preserving Cuba to the monarchy.

In considering what further measures could be adopted by this government, to second the pacific exertions which, it is not doubted, the emperor is now employing, it has appeared to the president, that a suspension of any military expedition, which both, or either of the republics of Colombia and Mexico may be preparing against Cuba and Porto Rico, might have a good auxiliary influence. Such a suspension, indeed, seemed to be due to the friendly purposes of the emperor. I have, accordingly, addressed official notes to the ministers of those republics, accredited here, recommending it to their governments, an extract from one of which, (the other being substantially the same,) is herewith transmitted. You will observe it intimated in those notes, that other governments may feel themselves urged, by a sense of their interests and duties, to interpose in the event of an invasion of the islands, or of contingencies which may accompany or follow it. On this subject, it is proper that we should be perfectly understood by Russia. For ourselves, we desire no change in the possession of Cuba, as has been heretofore stated. We cannot allow a transfer of the island to any European power. But if Spain should refuse to conclude a peace, and obstinately resolve on continuing the war, although we do not desire that either Colombia or Mexico should acquire the island of Cuba, the president cannot see any justifiable ground on which we can

forcibly interfere. Upon the hypothesis of an unnecessary protraction of the war, imputable to Spain, it is evident that Cuba will be her only point d'appui, in this hemisphere. How can we interpose, on that supposition, against the party clearly having right on his side, in order to restrain or defeat a lawful operation of war? If the war against the islands should be conducted by those republics in a desolating manner; if, contrary to all expectation, they should put arms into the hands of one race of the inhabitants to destroy the lives of another; if, in short, they should countenance and encourage excesses and examples, the contagion of which, from our neighborhood, would be dangerous to our quiet and safety; the government of the United States might feel itself called upon to interpose its power. But it is not apprehended that any of those contingencies will arise, and, consequently, it is most probable that the United States, should the war continue, will remain hereafter, as they have been heretofore, neutral observers of the progress of its events.

You will be pleased to communicate the contents of this despatch to the Russian government. And as, from the very nature of the object which has induced the president to recommend to the governments of Colombia and Mexico a suspension of their expeditions against the Spanish islands, no definite time could be suggested for the duration of that suspension, if it should be acceded to, it must be allowed, on all hands, that it ought not to be unnecessarily protracted. Therefore, you will represent to the government of

Russia, the expediency of obtaining a decision from Spain, as early as possible, in respect to its disposition to conclude a peace.

I am your obedient servant,

H. CLAY.

Henry Middleton, *Envoy Extraordinary and Minister Plenipotentiary U. S. St. Petersburg.*

MR. SALAZAR TO MR. CLAY.

*Legation of Colombia,*

Near the United States of N. America.

The undersigned has the honor to communicate to the hon. Henry Clay, for the information of his government, and the attainment of the objects proposed, that the assembly of American plenipotentiaries, in relation to which the minister from Mexico and the undersigned have held some verbal conferences with the secretary of state, at their previous request, will shortly be organized; as the plenipotentiaries from Peru are already at the isthmus of Panama, the place appointed for the congress, and those from Colombia and other American republics, are on their way to this assembly, which they have provided for by public treaties.

The hon. secretary having intimated, in the name of his government, that the United States, if formally invited by Mexico and Colombia, and apprized of the subjects to be discussed, would, on their part, appoint a person to represent them, if these subjects should be approved by the United States, the undersigned is accordingly authorised by his government to address this invitation, which he now makes, by this note, in all due form. He is also assured that the minister from Mexico will present the same invitation on the



part of his government, and the minister from Guatemala has just received similar instructions from his government.

Of the points which will be under discussion by the assembly of Panama, the undersigned is unable to give a minute enumeration, as they will evidently arise out of the deliberations of the congress. He is, however, authorised by his government to assure the United States that these points have no tendency to violate their professed principles of neutrality. The undersigned has also been instructed to suggest some subjects, that will form useful matter of discussion in the congress—These subjects constitute two classes :

1. Matters peculiarly and exclusively concerning the belligerents.

2. Matters between the belligerents and neutrals.

As the United States will not take part in the discussion of subjects of the first description, we will confine ourselves to the latter.

At Panama, the best and most opportune occasion is offered to the United States, to fix some principles of international law, the unsettled state of which has caused much evil to humanity. It is to be presumed that this government possesses more light upon the subject than the other states of our hemisphere, both from its experience during the wars that succeeded the French revolution, and from its negotiations now on foot with Great Britain and other nations, relative to these principles. It belongs to each of the concurring parties to propose their views, but the voice of the United States will be heard with the respect and deference which its early labors in a work of such importance will merit.

The manner in which all colonization of European powers on the American continent shall be resisted, and their interference in the present contest between Spain and her former colonies prevented, are other points of great interest. Were it proper, an eventual alliance, in case these events should occur, which is within the range of possibilities, and the treaty, of which no use should be made until the *casus fœderis* should happen, to remain secret ; or, if this should seem premature, a convention so anticipated would be different means to secure the same end, of preventing foreign influence. This is a matter of immediate utility to the American states that are at war with Spain, and is in accordance with the repeated declarations and protests of the cabinet at Washington. The conferences held on this subject being confidential, would increase mutual friendship, and promote the respective interests of the parties.

The consideration of the means to be adopted for the entire abolition of the African slave trade, is a subject sacred to humanity, and interesting to the policy of the American states. To effect it, their energetic, general, and uniform co-operation is desirable. At the proposition of the United States, Colombia made a convention with them on this subject, which has not been ratified by the government of the United States. Would that America, which does not think politic what is unjust, would contribute, in union, and with common consent, to the good of Africa !

The descendants of this portion of the globe have succeeded in founding an independent republic, whose government is now recognized by its ancient metropolis.



On what basis the relations of Hayti, and of other parts of our hemisphere that shall hereafter be in like circumstances, are to be placed, is a question simple at first view, but attended with serious difficulties when closely examined. These arise from the different manner of regarding Africans, and from their different rights in Hayti, the United States, and in other American states. This question will be determined at the isthmus, and, if possible, an uniform rule of conduct adopted in regard to it, or those modifications that may be demanded by circumstances.

The undersigned merely makes these suggestions by way of example ; it is left to the wisdom of the governments, and the judgments of their representatives, to propose whatever may be esteemed of common good to the new hemisphere. Inviting the United States, in the name of Colombia, to a congress, the mere assembling of which will increase the political importance of America, and show the facility with which she can combine the resources in defence of common rights, when necessary, the undersigned hopes that the United States will make an early appointment of a person or persons to represent them in this assembly, as the conditions that were required have been fulfilled.

The undersigned has the honor to offer to the hon. Henry Clay his most distinguished consideration.

JOSE MARIA SALAZAR.

Washington, Nov. 2, 1825.

MR. OBREGON TO MR. CLAY.

*Legation of the United States of Mexico.*

Washington, 3d Nov. 1825.

The underwritten minister plenipotentiary, has the honor of

informing the hon. secretary of state, that he has communicated to his government the conversations which occurred between them, on his making known to them the determination of the governments of Colombia and Mexico, to form a congress of representatives from the new states of the continent, who to that end had been invited ; in which were to be discussed, subjects of general interest to all the American powers, as well as those which might be particularly suggested by the existence and actual position of the new powers ; and, in the meeting of which, it was thought proper, by the government of the subscriber, that the United States of America by means of their commissioners, should constitute and take part, as being so much interested in the first and principal subject, upon which the congress would be engaged.

In consequence of which, being informed of the concurrence of this government, in the idea of discussing the first point in a congress as was desired, and that it would send representatives to it, under condition, that the neutrality in which it stood towards Spain, should not be violated ; and that it should be invited thereto, by the republics of Mexico and Colombia, who should, moreover, signify the affairs with which it was to be occupied, to promote its object and the necessary uniformity of credentials or authorization of the respective representatives : the president of the United States of Mexico, has charged and commissioned anew, the underwritten to make the invitation, and to point out the affairs as stated.

The government of the subscri-

ber never supposed, nor desired, that the United States of America would take part in the congress about to be held, in other matters than those which, from their nature and importance, the late administration pointed out and characterized, as being of general interest to the continent ; for which reason one of the subjects, which will occupy the attention of the congress, will be the resistance or opposition to the interference of any neutral nation, in the question and war of independence, between the new powers of the continent and Spain.

The government of the undersigned apprehends, that as the powers of America are of accord, as to resistance, it behoves them to discuss the means of giving to that resistance all possible force, that the evil may be met, if it cannot be avoided ; and the only means of accomplishing this object, is by a previous concert as to the mode in which each of them shall lend its co-operation ; for otherwise, resistance would operate but partially, and in a manner much less certain and effective.

The opposition to colonizations in America by the European powers, will be another of the questions which may be discussed, and which is in like predicament with the foregoing.

After these two principle subjects, the representatives of the United States of America may be occupied upon others to which the existence of the new states may give rise ; and which it is not easy to point out or enumerate : for which the government of the United States of Mexico will give instructions and ample powers to its commissioners, and it trusts that those from the other powers may bear the same.

The congress is to be assembled at Panama, at which city the representatives from Colombia, Peru, Guatemala, and Mexico, will have already arrived, at the date of this ; they will be engaged upon the preliminary rules of the assembly ; and likewise upon questions which belong exclusively to the belligerents.

The United States of America may send their representatives to that city, to take part in those questions, which, long since, they were the first in declaring to the world they regarded as of transcendant importance to the interests of all America ; and in others to which the formation of the new states will give rise ; the concurrence in which will moreover accomplish the object so much desired, by the respective governments, of manifesting, by deeds, the disposition and facility which the powers of this continent possess, to act in concert in the common cause.

To which end, and in compliance with the tenor of the conversations held with the honorable secretary of state, the undersigned minister plenipotentiary invites this government to send representatives to the congress of Panama, with authorities as aforesaid, and with express instructions in their credentials, upon the two principal questions ; in which step he is likewise joined by the minister of Colombia, and with which he trusts he has fulfilled all that was stipulated to this end.

The subscriber has the honor, on this occasion, to present to the honorable secretary his respects and highest consideration.

PABLO OBREGON.

To the Hon. H. Clay,  
*Secretary of State, U. S.*

MR. CANAZ TO MR. CLAY.

Washington, November 14, 1825.

The government of Central America, which I have the honor to represent, as early as the year 1821, was sensible of the importance, to the independent nations of this continent, of a general congress of their representatives, at some central point, which might consider upon, and adopt, the best plan for defending the states of the new world from foreign aggression, and, by treaties of alliance, commerce, and friendship, raise them to that elevation of wealth and power, which, from their resources, they may attain. It also acknowledged, that, as Europe had formed a *continental system*, and held a congress whenever questions affecting its interests were to be discussed, America should form a system for itself and assemble by its representatives, in cortes, whenever circumstances of necessity and great importance should demand it.

Entertaining these views, the government of Central America voluntarily expressed its willingness to appoint its deputies for such an object. Sensible of its importance, which has also been felt by the governments of South America, it has resolved to send plenipotentiaries to a general congress, to be formed for the purposes of preserving the territorial integrity, and firmly establishing the absolute independence of each of the American republics. On the 19th of March last, the government of Central America formed a con-

vention with that of Colombia, providing for this object; and I, as its representative, have been instructed to express to the government of the United States, the desire entertained by my government, that it should send a representative to the general congress.

To fulfil the wishes of my government, and convinced, at the same time, of the importance and respectability which would attach to the general congress of the American republics, from the presence of envoys from the United States of America, I now address this high government upon this subject, in the name of Central America. I am anxious, therefore, to know if this republic, which has ever shown itself the generous friend of the new American States, is disposed to send its envoys to the general congress, the objects of which is, to preserve and confirm the absolute independence of these republics, and to promote the general good; and *which will not require that the representatives of the United States should, in the least, compromise their present neutrality, harmony, and good intelligence with other nations*. This, my government has deemed it necessary to state distinctly, in making the present invitation.

Be pleased, sir, to accept expressions of the high consideration with which I am, respectfully, your obedient servant,

ANTONIO JOSE CANAZ.

To the Hon. the Secretary of State.

## II.—FOREIGN.

## SOUTH AMERICA.

## AMERICAN CONFEDERATION.

**CIRCULAR of HIS EXCELLENCY the LIBERATOR of COLOMBIA, invested with the supreme command of the Republic of PERU, inviting the governments of the other Republics of AMERICA to send their Representatives to the Isthmus of PANAMA, there to form a General Assembly.**

Lima, December 7th, 1824.

My great and good friend—After fifteen years' sacrifices, consecrated to the liberty of America, to obtain a system of guarantees, which, in peace and war, may be the shield of our new destiny, it is time that the interests and relations which united between them the republics of America, before colonies of Spain, should be founded on some known basis, which may render, if that were possible, the duration of these states eternal.

To establish that system, and to consolidate the power of this great political body, belongs to the exercise of a supreme authority, which may direct the policy of our governments, whose influence may be able to maintain uniformity in our principles, and whose name alone may be sufficient to appease our dissensions. An authority, to carry with it so much respect, can only be found in an union of plenipotentiaries, sent by each of our republics, and assembled under the auspices of victory, obtained by our arms over Spanish power.

Deeply penetrated with these ideas, in 1823, as president of the republic of Colombia, I invited the governments of Mexico, Peru, Chili, and Buenos Ayres, to form

a confederacy, and to assemble at the isthmus of Panama, or any other place to be chosen by the majority, a congress of plenipotentiaries from each state, which "might act as a council to us in our distresses, as a rallying point in our common danger, as a faithful interpreter to our public treaties, when difficulties might occur; and, in fine, as a mediator in all our differences."

The government of Peru concluded, on the 6th of June, of that year, a treaty of alliance and confederation with the plenipotentiary of Colombia; and, by it, both parties were pledged to interpose their good offices, that all entering into the same compact, a general assembly of the confederates might be effected. A treaty, to the same purport, was concluded in Mexico, on the 3d of October, 1823, by the envoy extraordinary of Colombia to that state; and there are strong grounds to hope that the other governments will accede to what a regard for their own interests so urgently recommends.

To delay, for a longer period, the general meeting of the plenipotentiaries from the republics who, *de facto*, already form a confederacy, until the accession of the remainder be obtained, would be

depriving ourselves of the advantages which that assembly would produce from the moment of its installation. These advantages are prodigiously increased, if we contemplate the picture presented to us by the political world, and, more particularly, the cabinet of Europe.

The union of the plenipotentiaries of Mexico, Colombia and Peru, would be delayed indefinitely, if it were not promoted by one of the contracting parties; unless we were to wait for the result of a new and special convention upon the time and place relative to this great event. On considering the difficulties and delays, from the distance at which we are separated, added to other weighty motives, emanating from a consideration of our general interests, I have resolved to take this step, with a view to promote the immediate meeting of our plenipotentiaries; whilst, in the mean time, the other states celebrate the same conditions as already exist between us, relative to the appointment and incorporation of their representatives.

With respect to the period of the installation of the assembly, I venture to believe, that no difficulty can be opposed to its taking place within the space of six months, counting from the present date; and, I likewise venture to flatter myself, that the ardent desires, which all Americans feel, to exalt the power of the Colombian continent, will abridge the difficulties and delays which ministerial preparations might require, and the distance which exists between the capitals of each state and the central place of meeting.

It seems that, if the world had to choose its capital, the isthmus

of Panama would be selected for this august purpose, placed, as it is, in the centre of the globe, looking on the one side towards Asia, and on the other towards Africa and Europe. The isthmus of Panama has been offered by the government of Colombia, for this object, in existing treaties. The isthmus is at an equal distance from the two extremities; and, on this account, might be provisionally adopted as the place where the first meeting of the confederates might be held.

Yielding, therefore, to these considerations, I feel strongly inclined to send to Panama the deputies from this republic, the moment I have the honor to receive the wished for answer to this circular. Nothing, certainly, will contribute so much to satisfy the ardent wishes of my heart, as the co-operation, which I look forward to, of the confederated governments, in carrying into effect this august act of America.

If your excellency does not condescend to join in it, I foresee immense delay and injury, at a time when the movement of the world accelerates all things, accelerating them, perhaps, to our disadvantage.

After the first conferences, between the plenipotentiaries, have been held, the residence of the assembly, as well as its attributions, may be determined in a solemn manner by the majority; and then all our aim will be accomplished.

The day on which our plenipotentiaries exchange their full powers, will form a memorable era in the diplomatic history of America. When, an hundred ages hence, posterity seeks the origin of our international law, and recalls to

mind the conventions which consolidated her existence, she will respectfully consult the records of the proceedings in the isthmus. In them she will discover the basis of our first alliances, which will regulate the system of our relations with the universe. What will the isthmus of Corinth then be to that of Panama?

God preserve your excellency.  
Your great and good friend,

(Signed) BOLIVAR.

The minister of government and foreign affairs, J. S. CARRION.

*ANSWER of Vice-President SANTANDER, of COLOMBIA, to BOLIVAR, in the relation to the proposed Congress of PANAMA.*

Palace of government, Bogota,  
March 6, 1825.

My great and good friend and faithful ally—I have read, with the greatest pleasure, your very esteemed communication, dated from the city of Lima, on the 7th of December last, in which you express your ardent wishes to see united, within six months, if possible, the assembly from the confederate states of what was formerly Spanish America.

It is to me extremely satisfactory to assure you, that, being actuated by the same feelings as yourself, I have, beforehand, taken all the steps calculated to accelerate the carrying into effect of a design so essential to our security and future happiness. The wants of the new American states, their position with regard to Europe, and the obstinacy of the king of Spain, render it imperative now, more than ever, on us and our dear allies, to adopt a system of political combinations, which may stifle, at its birth, any attempt to involve us

in fresh calamities. The dangerous principle of foreign interference, which some cabinets of the old world have embraced and eagerly put into practice, calls for our serious consideration, both from its tendency to keep alive the dying hopes of our obstinate enemies, and from the fatal consequences which the introduction of a maxim so destructive of the sovereign rights of the people would produce in America.

But, however great our desires may be to lay, at least, the foundation of this work, the most stupendous that has ever been conceived since the fall of the Roman empire, it appears to me that it is for our mutual interest, that the assembly of plenipotentiaries, agreed upon, should take place in the isthmus of Panama, with the concurrence of all, or of the greater part of all the American governments, as well belligerents as neutrals, all equally interested in resisting this pretended right of interference, to which some of the powers of the south of Europe have already fallen victims.

For the purpose of obtaining this concurrence, instructions were given, under date of the 15th July last, to our charge d'affaires at Buenos Ayres, to endeavor to persuade the government there of the propriety of sending plenipotentiaries to the isthmus of Panama, notwithstanding the ill success of the negotiation, which, for this laudable purpose, was opened between the two parties in 1824. On this account, also, the ratification of the treaty of alliance and perpetual confederation with the state of Chili, of which, until now, we have had no intelligence, has been waited for with the greatest anxie-



ty. And, probably, the session of the present legislature will not terminate without having concluded a similar treaty with the provinces of

- Guatemala, a minister from whence is now in this capital, and whose recognition has been delayed from considerations towards our faithfully the republic of Mexico.

I, therefore, entertain hopes that the assembly of America will be installed with the presence of the plenipotentiaries of Colombia, Mexico, Guatemala, Peru, and even Chili and Buenos Ayres, as it is probable the policy of this last country will come nearer to our wishes, after the installation of the congress of the United Provinces of Rio de la Plata.

With respect to the United States, I have thought it highly proper to invite them to the august assembly at Panama, in the firm conviction that our intimate allies will not fail to see, with pleasure, friends so enlightened and sincere, take a part in their deliberations of a common interest to all. The instructions which, with this view, have been sent to our envoy extraordinary and minister plenipotentiary at Washington, of which I accompany a copy, will inform you at length of the motives which have urged me to come to this resolution.

In the mean time, the government of Colombia will, with pleasure, send, within four months from the present time, its two plenipotentiaries to the isthmus of Panama, in order that, together with those of Peru, they may immediately enter into discussions preparatory to the installation of the general assembly, which, perhaps, may be able to commence their important labors the first day of Oc-

tober of the present year. For the purpose, then, of facilitating this object, I venture to make to you the following proposition :

First. That the governments of Colombia and Peru should authorise their plenipotentiaries, after having commenced their preparatory conferences in the isthmus of Panama, to enter into correspondence directly with the ministers of state and foreign affairs of Mexico, Guatemala, Chili, and Buenos Ayres, stating to them the importance of sending, without loss of time, the plenipotentiaries of those republics to the general assembly.

Secondly. That the plenipotentiaries of Colombia and Peru should have full liberty to choose, in the isthmus of Panama, the place they may think, from its healthiness, most adapted to hold their preparatory conferences.

Thirdly. That as soon as the plenipotentiaries of Colombia, Peru, Mexico, and Guatemala, at the least of three of the said republics, should be in the isthmus of Panama, they may fix, by common consent, the day on which the general assembly is to be installed.

Fourthly. That the general assembly of the confederates should likewise, in the same way, have full liberty to choose, in the isthmus of Panama, the place which, from its healthiness, they may judge proper to hold their meeting.

Fifthly. That the plenipotentiaries of Colombia and Peru should, by no means, absent themselves from the isthmus of Panama, from the time of their holding their preparatory conferences, until they see assembled the general meeting of the conferences, and its sessions be terminated.

I hope that these propositions



will evince the lively interest which the republic of Colombia feels to see realized the great designs of Divine Providence, in this beautiful hemisphere, of whom I fervently pray to keep you in his holy guard.

Given, signed, and sealed by the secretary of state for foreign affairs, in the city of Bogota, on the 6th of February, 1825—15th of independence of the republic of Colombia. F. DE P. SANTANDER.

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*ANSWER of the PRESIDENT of  
MEXICO to BOLIVAR.*

My great and good friend—The communication of your excellency, dated 9th of last December, relative to the great project of conversation, an assembly of plenipotentiaries from the republics of America, for the regulation of these interests and relations which mutually unite them, has been so much the more satisfactory to me, as, led by the same motives and actuated with the same wishes, I had determined upon taking the lead, and sending an officer with despatches to your excellency, to propose the same measures, under the idea, that although the ratification of the treaty, of the 3d of October, 1823, by the government of Colombia, has not yet been received, and Mexico had not concluded similar conventions with the other nations of this continent, which were formerly colonies of Spain, this was not an obstacle to her inviting all their governments to be present at the wished for congress, as their respective plenipotentiaries could come specially authorised to conclude the said treaties, and these be the first objects of the deliberations of the assembly.

Your excellency is more favorably circumstanced for making this

invitation to the other governments, for, placed as you are in the centre of the republics of the south, you can easily arrange and accelerate the coming of their plenipotentiaries to the place of meeting, for which, I am certainly of opinion, Panama unites the greatest advantages: and, as far as regards the period of the installation of the congress, although I had thought of proposing the first of November, of this year, in consequence of the distances and difficulty of arranging the departure of the plenipotentiaries, nevertheless, if, as your excellency points out, it can be carried into effect earlier, I have no difficulty in acceding to it, and, on the contrary, anxiously wish it may be so: for which purpose I shall cause the Mexican plenipotentiaries to set off for the time you may appoint, immediately I should receive notice of it from your excellency.

Persuaded that the cause of liberty and independence is not only that of those republics which were formerly colonies of Spain, but also that of the United States of North America, I have directed the Mexican minister there to ascertain, of the president, if he should wish to be present, by means of his plenipotentiaries, at that assembly.

This is what I have the honor to reply to your excellency on the important subject of your communication, availing myself of this opportunity to congratulate your excellency directly on the success in Peru, which has given the last blow to Spanish dominion in America.

God preserve your excellency many years.

Your great and good friend,

GUADALOUPE VICTORIA.

Mexico, February 23, 1825.

**COMMUNICATION of the Secretary of State of PERU, to the Ministers for Foreign Affairs of COLOMBIA, GUATEMALA, BUENOS AYRES, and CHILI.**

His excellency the president of the United States of Mexico, in reply to the circular addressed to him by this government, to convoke the American assembly, has expressed his good disposition towards it, and ardent wishes to concur in so important a design. His excellency the council of government, has viewed this step with the greatest pleasure, flattering itself, in consequence, that there can be no obstacle, on the part of the other governments, which can delay its installation, and, in order not to retard a similar proceeding on the part of your excellency, it has resolved to send you a copy of the said communication, and that of the minister of foreign affairs of Mexico, which I now do; presenting, at the same time, the sentiments of consideration and respect with which I have the honor to again subscribe myself your very obedient servant,

THOMAS DE HERES.

The general congress of the United Provinces of Rio de la Plata have agreed to and decreed as follows:

1. The executive will dispose, that as soon as possible an embassy, suitable to the object of the mission, be sent in the name of the nation to congratulate Simon Bolivar, the distinguished liberator of Peru, and president of the republic of Colombia, and also charged with the supreme command of that of Peru, on the high and exalted

services he has performed to the cause of the new world, whose liberty and independence he has just irrevocably established, expressing to him, at the same time, the very sincere feelings of gratitude and acknowledgment with which the United Provinces are animated, for the heroic and generous exertions of the liberating army which, after having given freedom to those of Upper Peru, has taken upon itself the noble task of subjecting them to order, freeing them from the horrors of anarchy, and facilitating to them the means of organizing themselves.

2. The embassy will settle with the liberator as charged with the supreme command of the republic of Peru, all difficulties which may arise between the latter and this state, in consequence of the freedom in which the four provinces of Upper Peru, which have always belonged to those of the union, at present are.

3. It will also negotiate with the assembly of deputies from the said provinces, which has been convoked by the grand marshal of Ayacucho, Jose de Sucre, general in chief of the liberating army, inviting them to attend, by means of their representatives, at the general constituent congress, which is now legally and solemnly installed.

4. The invitations spoken of, in the preceding article, and the instructions which the embassy may receive from the supreme executive power, will have for their basis, that although the four provinces have always belonged to the state, it is the wish of the general constituent congress, that they should be left perfectly free to decide as they may think most

advantageous for their interests and welfare.

5. This resolution will regulate the conduct of general Don Jose Antonio Alvarez de Arenales, and in conformity with it, will the ex-

ecutive power issue the necessary orders.

GOMEZ,  
VALUES,  
GORITI,  
ACOSTA.

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*ADDRESS of the PRESIDENT of MEXICO to the first Constitutional Congress.*

Gentlemen—It will henceforth be impossible to doubt, as it has been pretended, at some period, whether social institutions, established for the freedom of mankind, are the indispensable result of the progress of just and benevolent ideas, or exist only for a time, by the shameful subversion of principles, and for the tumultuous advancement of passion. The parasites of state tyranny, those who make compacts and duties emerge from the clouds, deny the legitimacy and vigor of governments which have sprung from the sovereign people. For, according to these individuals, free beings have no limit or guaranties; according to them, they assault and devour each other, and in this strife, cruelty and merciless anger annihilate the hope of any orderly system of legislation.

It is not supposed, gentlemen, that, in order to confound the enemies of the people, I need lead them to the ruins of Carthage, to rouse the remembrance of free Rome, or to unfold the pages of that Greece, where letters, fine arts, and sublime philosophy gave birth to institutions which have been admired in all ages. No! America, our adored country, raising its head over antique times, has resolved the most interesting problem to humanity, and has al-

ready taken the veil which covered the origin, and the end and object of power.

The profound legislator of Carolina, and William Penn, the friend of man, planted in the virgin soil of America the precious seeds of civil liberty, which, cultivated afterwards by Washington and Franklin, find themselves now deposited, with the fruit they produced, in that capitol, which has erected wisdom on the banks of the Potomac. From thence are issued desolating rays on despotism, and from there appears the regeneration of sovereign nations. What glory for the new world! How immense the grandeur of its destiny!

It is admirable, gentlemen, that the light should have penetrated to the colonies, founded by the adventurer Medellin. It is certain that genius overcame resistance, that morals weakened the heat of parties, and that the thoughts of philanthropy came to take the place of customs and errors which time had consecrated.

But I have come here, gentlemen, to congratulate with you, because the triumph of opinion, of the social doctrines, have assembled us on the foundation of a compact created by ourselves, and for our own felicity. Who can take from the representatives, who will

leave these seats consecrated to merit and virtue, the great satisfaction of being replaced by citizens equally respectable, and equally anxious for the public welfare with themselves? Union, the safety and the welfare of the states, have been confided to prudent hands, who, by the advice of wisdom, will attract upon themselves the admiration of a people who know how to appreciate justice and talent. Happy are we in having directed the elections to the advantage of the public; we shall see the schemes of the legislator, and the unanimous votes of the Mexican, fulfilled in the first constitutional congress.

My heart rejoices at the happiness we enjoy, and at that which it hopes to enjoy still. The magnificent edifice of liberty, which formerly was a beautiful ideal prospect, has been seated on an indestructible basis, and it now shines by the institution which a great nation deserved.

The high attributes with which the law and the will of my fellow-citizens have deemed proper to invest me as the depository of the executive power, have enabled me to employ all my exertions for its usefulness. A glance, although a rapid one, over the progressive existence of our affairs, will convince you, gentlemen, that I have caused to be done the greatest good possible, according to the sphere of my ability, in the short time of my presidency—happy if I have succeeded in filling up the vast circle of my duties to the country!

The secretary of the treasury will show to congress, that if its situation is not advantageous, neither on account of its income or its duties, we have succeeded. by

great exertions, in clothing, arming, and increasing the army and navy, to send succors to New Mexico, to the Californias, and to all the frontiers; to appease the clamors of the officers of the republic, whose pay was in arrears, and to defray, in all its parts, the administration, with the wise and legal use of the foreign loans. The organization of the treasury has, by the last law, considerably improved in its economical branch, and advances, without doubt, towards perfection. May the projects which will be submitted to the house deserve its approbation! The safety of the republic requires sacrifices, but these are always compatible with the state, the exertion and patriotism of its heroic citizens.

The federal judiciary not existing, and the government being precluded from the intervention which it formerly had in that of the ancient provinces, its action, in this respect, has been almost null, and will be so until the supreme court be instituted by a law designating the number and local relations of the district and circuit judges, and prescribing rules for territorial tribunals, and the federal district. Notwithstanding this, the end of justice has been effected as far as possible, and the citizens can complain only of the vices of legislation, and of those introduced by the degrading indolence of the Spanish governors. The prisons and houses of correction have had the fate of the times; but I do not despair of rendering them useful, without increasing the affliction of the delinquents.

The Mexican army, which gathered so many laurels, has considerably improved in its discipline.

It is to be completed ; and that now in existence is well armed, in proportion to the arms contracted for, in order to raise the army according to the dictates of our situation and of law. The secretary of war and marine will elucidate my exertions in this branch. The system happily adopted, confides the internal administration to the people, and to its local authorities. The government, within its orbit, has undertaken to cut off state abuses ; and in this, the patriotic laws begin to unfold their beneficent activity. This will be explained by the secretary of the interior.

In all the free countries of the universe, wishes are formed for the consolidation of the Mexican independence ; and as soon as they are enabled to calculate the immense force which union has given to our individual and collective prosperity, I am persuaded, gentlemen, that they will admit us to the rank of independent and sovereign nations.

And is this the people who, for three centuries, was under a ridiculous administration, a wretched government ? The Mexicans, deprived of an equitable system, and after having suffered above the limits of human forbearance, broke off their connection with the metropolis. Our villages burnt, our properties invaded, prisons continually full ; grief, despair, and death perpetually hanging over our heads ; such were the titles, such the characters that stamped with fire and blood the freedom we now enjoy. In recovering our rights, and when the strong arm was uplifted for the glory of the country, we gave remarkable examples of moderation. Our de-

tractors, now defeated, admire, if for once they can be called just, the empire of the amiable disposition of the Mexican nation, and its more philanthropic system of legislation and government.

Citizens of both houses of the general congress of the heroic Mexican nation ! Let not the triumphs of the revolution be lost to us ! Let the satellites of the despotic power give, as a tribute to the ideas of the age and to the progress of civilization in America, the testimonials of its forced and tardy repentance ! Let your ardent zeal for the constitution, your constant love of country and liberty, your wisdom and energy, facilitate the inestimable felicity of elevating the MEXICAN UNITED STATES to that high pitch of greatness decreed by the supreme arbitrator of destinies ! I have done.

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*REPLY of the President of the Congress to the President of the Republic.*

The Mexican republic, that beloved country, which, although it broke off its foreign yoke, has not yet been enabled to gather the fruit of so many sacrifices, heroically made, to obtain felicity, has, within that space, received the sacred charter which sanctions its rights, restores her to the great sphere of independent nations, and opens to her the high way to that opulence and prosperity which nature has designed. The nation has, in fact, sworn to the expected constitution ; but, what an immense latitude between the oath and its observance. Inclinations, habits, opinions, the fatal result of so many ages of darkness and servitude, are obstacles which can be conquered by the docility and re-

markable genius of Mexicans ; the vast materials for the exertions of experience, for the display of knowledge, and for the sacrifice even of life, should honor require it, for such sacrifices can be demanded of those who have the honor to govern the nation, the general congress and president of the Mexican United States.

No constitution, however wisely combined, can stifle the existence of parties in a popular government ; they are the offsprings of liberty ; and, determined to support our independence, in this point alone we are unanimous : for our honor precludes the belief, that any can dissent to this, or that there exists one single individual who does not feel indignant at the idea of foreign servitude or dependence ; unanimous only, I repeat, in this point, we shall have to struggle with opinions from the moment that they will arise from incidents, which we must tolerate to a certain degree ; and inasmuch as the law, without destroying the passions, leads them towards right ; thus the government, without being enabled to shun altogether actions and reactions, or master the ebb and tide of opinion, has, for its difficult and sublime duty, to balance, moderate and regulate those movements in such manner, as that their jarring evenuate in the peace, the justice, and the reciprocal benefit of both.

The federal republic, composed of so many and various elements, is a complicated machinery, whose action requires so much precision, so much delicacy in its direction, that it is reserved to superior understandings. But the congress and president have an infallible support. In order to fulfil their great trust, they can meet, and

even surpass the expectation of those whose confidence they possess : they may render their fame adored, placing it on a line with that of Solo, Lock, Penn, Washington and the other benefactors of mankind. In virtue alone is to be found that supporter in that republican virtue, that knows how to lose sight of its personal interest, whose ambition looks up to the public good, and which can distinguish, through the clouds of passion, at a clear and perspicacious glance, the path that leads to public felicity. The heart of every Mexican expands at the idea that such will be the guide, the luminary, the soul of its congress and president. This virtue shall identify itself with their opinions, will gather their votes, dictate their statutes, render them indefatigable, and will concentrate their strength to secure to the country its liberty and the accumulation of the advantages it deserves.

You are going to exhibit to Mexico and to the world, a sublime spectacle, in your rectitude, purity, efficacy and unanimity ; and soon you will deserve, from your country and posterity, the applause and tribute due to the sons of republican virtue. You will be the source from which shall flow, on all classes of the Anahuac society, that equitable spirit of benevolence that characterizes and supports good governments.

A vast and luminous career is open before you, and at its end is perspectively seen the majestic and safe march of the federal republic of Mexico, the friendly nations, (and all ought to be so,) allied to her, Asia and Europe at her side, connected by important and pacific relations, and felicity dispensing.



by the hand of Mexico, its treasures and lights to the inhabitants of the universe.

By a happy coincidence, you are going to direct its councils, at probably the most important time, when each instant is critical, each conjuncture decisive: when the new institutions are on the point of breaking off their course, emerging from the obstructions and ruins heaped by despotism and its ministers, by ignorance and fear; and when their irresistible current is to be directed by you, between two precipices, created by slavery and anarchy. To you belongs the ful-

filling of the pledges given by our constitution, and to prove to other nations that the Mexicans are not only able to reconquer their liberty, but, moreover, to allot to themselves the most permanent and wise institutions; that it has within itself the means to cause itself to be respected and looked upon with admiration by others; and that, lastly, it is capable of completing the remarkable work of its felicity, as inspired by Providence. Such must be the result of the virtue that animates the congress and president of the Mexican republic.

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*PROCLAMATION of the PRESIDENT of the UNITED MEXICAN STATES to his fellow-citizens.*

Fellow-citizens—The standard of the republic waves on the castle of Ulua. I announce to you, with indescribable pleasure, that now, after the lapse of three hundred and four years, the flag of Castile has disappeared from our coast.

It was my first care on ascending to the seat of power at your will, to attempt, with confidence in your assistance, to reduce the dominion of the obstinate Spaniard to its ancient limits. A day of so much happiness and glory to the country has arrived.

Mexicans! By a path of blood, drawn from the town of Dolores,\* you have marched with resolution to obtain the decisive triumph. It has cost you the life of your heroes, the sacrifice of innumerable victims, the ruin and the desolation of your firesides. Despotism has been drowned in the sea of blood and tears.

Vera Cruz, the illustrious Vera Cruz, invoking the national cause, has carried this mighty work to its final accomplishment. There a handful of brave men, facing the dangers of the climate, and death in all its shapes, have triumphed among the ruins of the heroic city. A page of mourning and horror will forever preserve the memory of the invincible people, who alone, and deprived of the resources of war, opposed to the last, every attempt to encourage the hopes of tyranny. Vera Cruz has acquired immortal fame, which shall carry her name to the extremities of the earth. She merits the national gratitude. I was a witness of her unlimited exertions. The authorities of the nation are apprized of them. Vera Cruz has every thing to hope from their being fully appreciated.

Fellow-citizens, Providence has brought about a state of things entirely new. Every wound is to be

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\* The place where the revolution began.



closed; doubt and suspicion are gone. All opinion, and all parties now assemble under the national banner. Causeless fears and hopeless seditions, will return no more to disturb the peace of your great family. Passion is dead; and union is secure in the common interest, good intelligence, generous principles, and the nobleness of your breasts. Woe to him who shall disseminate discord, or break your fraternal bonds. The country shall be revenged on him.

My friends! The past belongs to history: to secure a happy future belongs to you. Time is short, and Mexico will proceed under your direction, to the height of her glory. Who does not see beginnings of your power and credit which shall increase without end? Mexico, presenting one coast to Europe, and the other to Asia, opens her mines to facilitate commercial and political operations. Mexico, shaking off the chains of slavery, with the majesty of the ancient and modern free states, exhibits a sublime and august character, which policy had made subservient to its designs, and cabinets had humbled to their service. The colossus of Spain has fallen and been trampled under her feet. Great nations have been born among its ruins. Mexico raises her head. The perception of her dignity fills the universe. This, fellow-citizens, is the work of your hands.

My friends, in communicating to you this inestimable news, I make known to the public my feelings and my exertions. Now that the conclusion corresponds with my wishes, I rejoice, and my happiness is not without cause, since the year 1825 approaches a termination no less prosperous than its beginning was propitious. The nation may yet reap laurels in a spacious field. If the cabinets of Europe reconcile themselves with the favorite lights of the age, and accommodate their policy to the plain and solemn interest of their continent, we shall cultivate free relations of peace and friendship with the whole world. The great republic will be no less esteemed and applauded for the riches of its soil, than for the equity and benevolence of her citizens. Mexicans! An epoch approaches of immeasurable promise.

Glory, my countrymen, to the gallant general who has completed the labors of four years by the reduction of the enemy's fortress! Glory and honor to the brave men who have made this day a jubilee, at the expense of their fatigues, blood and sufferings. The country, grateful for such distinguished services, will know how to recompense them.

Fellow-citizens, long live the Mexican republic.

GUADALUPE VICTORIA.

Mexico, Nov. 23, 1825.

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*ADDRESS of the PRESIDENT of the UNITED STATES OF MEXICO, to the two Houses of Congress, at the opening of their extraordinary session, on the 4th day of August, 1825.*

Gentlemen—You are convened by that article of the constitution which authorises the president,

when necessary, to call extraordinary sessions of the congress. I congratulate myself, the nation,

and you, that no difficulties have occurred for the serious consideration of this body, or of the government council; and that you are not required to provide, against alarming dangers from the coast or the interior, to fortify any weakness of our institutions, to stay some desolating evil, or to calm the tempest of tumultuous passions.

You, gentlemen, will commence your labors at a time when the republic, prosperous and at peace, advances, unobstructed, in her political career. I have desired to gratify my own, and the earnest wishes of the nation, that the benefits of social order, which begin to be developed, should be full in their effect, and lasting in their duration. The authors of the constitution fulfilled their important trust admirably, and, without transcending their powers, they have left an edifice whose stability and beauty must be the result of your continued labor and anxious care.

Fellow-citizens, the nation which is always just, expresses its gratitude for your useful and advantageous employment of the first constitutional period; and expects that the work of wisdom will be perfected by the counsels of your prudence.

The questions to be submitted for your deliberation, will be approved by you, as of immediate and great importance. In the complicated movements of the political machine, the absence of one wheel will suspend its motion, or, perhaps, cause it to retrograde; and, when resistance is great, a perfect and harmonious system alone, will preserve vigor and equilibrium among the various orders of society.

I acknowledge, that were it not

for your co-operation, I should be unable to discharge the duties of my office satisfactorily, and to overcome the embarrassment which the want of certain laws, and *my profound respect for the salutary division and independence of the political powers*, have opposed to the exercise of the authority confided in me by the nation.

The depositories of a power which watches over the acts and conduct of the highest functionaries of the republic, and which, as a vigilant sentinel, over the use of our respective trusts, should ever be prepared to punish the guilty and absolve the innocent, will not be responsible whilst there is no law regulating the duties of their office; nor will the design of the constitution be accomplished. The confederation, without tribunals, will be disorder and confusion. In relation to this subject, gentlemen, nothing has been done. In the territories of the union, the administration of justice is not yet organized; and the precious guarantees of social man demand that it be secured to him.

More salutary provisions may still be made, regulating the inestimable liberty of the press.

The national treasury, which gives sustenance to the state, demands reforms and additional regulations. Attention to the public credit will place us on an equality with those nations, whose scrupulous observance of their engagements has forever secured their existence.

The moral of the army demands legislative consideration, that the character and habits acquired in war may be rectified. Maxims, no less fatal to commerce than to the recognition of our rights, have,

moreover, prevailed, from the clamors of the people against the absolute thrones of Europe. Discipline, and the perfect organization of our land and naval forces, will protect us against the machinations and aggressions of the whole world, if conspired for our destruction. The government is engaged in a system of defence. The republic is invincible; its sons, with the universal approbation of freeman, will bravely defend the rights of their country.

The rich market, which the jealous and base government of Spain had reserved for its own oppressive speculations, having been opened to mercantile nations, we are now prepared to conclude treaties for the protection of our commercial interests. Numerous events, in which our country is deeply interested, have occurred in rapid succession; and in relation to matters of such importance, your powers are not limited. Curiosity, enterprise, the mildness of our laws, and gentleness of our manners, the fame of Mexican opulence, all have combined to attract to our shores an innumerable concourse of strangers. For their admission, free passage and residence

in the states and territories of the confederation, there are positive laws of police, securing our safety, with the good conduct of those who visit our country. To exclusive privileges, you will give the consideration they merit.

These subjects of acknowledged importance, and others of not less consequence in the public administration, are submitted for the deliberation of congress; which, in perfect consonance with the views of the government, will opportunely relieve the public necessities.

Whilst you, gentlemen, are about to commence new labors, in the service of a country of which you are the support, at once, and the ornament, it maintains in its progressive career, a dignified place among the nations of the globe. It is a pleasing reflection, fellow-citizens, that you are at the head of a nation which, in its infancy, has already conciliated the respect and the admiration of the world. Mexico, with sentiments of goodwill and friendship, desires peace and free communication with all nations; powerful and opulent, she reposes her existence and security on her own resources.

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*REPORT by the Secretary of State, to the Congress of Mexico, at the session of 1825.*

FOREIGN RELATIONS.

The invasion of Spain by France, and its result, drew the attention of all Europe to America. The new Spanish cabinet, eager to re-establish the empire of Spain over this section of the globe, solicited the monarchs of Europe to assemble in congress, to consider our state, and decide upon our destiny. It was also expected, that the neces-

sary aid would be thus obtained, to recruit the exhausted resources of the Peninsula. That the fear of reviving the long established monopoly of Spain might not deter commercial nations from acceding to this invitation, the king of Spain granted, to all flags, the privilege of trading with the Americas, reserving to the Spanish certain advantages. These pretensions of the

cabinet of Madrid are truly astonishing. Presuming to the exercise of authority over a people who, long since, denied the right, Spain desires to assume the charge of government, while she secures to other nations its benefits. Were she to abandon the chimeric notion of subjecting us, the friendly relations which she might cultivate with us, would secure to her important advantages.

The Spanish government, by this system, has given a new direction to European policy. England, in reply to the invitation of the minister of king Ferdinand, declined attending the proposed congress; and, in the papers presented by the English ministry to the parliament, which were published, she frankly disclosed the liberal principles which were to guide her conduct. Without refusing to recognize our independence, England desired that Spain should first take this important step, indicating, at the same time, that she would not long wait the shifting policy of the cabinet of Madrid, and she openly declared that she could not suffer any power, or league of powers, to interfere with an armed force as the auxiliary of Spain, in the questions pending betwixt her and her colonies. The resolution of the president of the United States of America, announced in his message to the congress of 1823, was of a similar character; and as France, about the same time, declared her friendly dispositions, there are well founded reasons for believing that our independence will soon be recognized by the nations of Europe. This will greatly contribute to the regular organization of the different governments of our continent, heretofore administered provision-

ally, and to the full advantage of the late glorious events, which have forever prevented the restoration of Spanish dominion in Peru. This flattering perspective however, will not diminish the vigilance of the government, but, connecting defensive preparations with pacific negotiations, we will ever be ready to conclude honorable peace, or repel hostile invasion.

This is, concisely, the state of foreign policy in relation to this republic; and the measures of the government have been adapted to circumstances. A minister plenipotentiary was appointed to the government of his Britannic majesty, as soon as its friendly dispositions were known, who was also empowered to institute negotiations with all the European powers, not excepting Spain; and, although the questions agitated have not been definitely settled, they are in favorable progress. As our commercial relations with Great Britain are constantly enlarging, and as the loans intimately affect our financial operations, it was deemed proper to appoint a consul-general to that kingdom, who was authorised to designate vice-consuls for the ports where commerce should require them. He was particularly instructed in relation to the exercise of his delicate commission.

The consul-general appointed by his Britannic majesty, and other consuls for the principal ports of the republic, have assumed the exercise of their functions; and their commissions have been acknowledged by official *exequators*. The diplomatic agents from that government have been received and regarded with the consideration due to a nation which was the first among those of Europe to open

relations of friendship and good correspondence with the republic. These will become more intimate with the frequent and regular communications that have been established by means of packet-ships, which sail from Liverpool every month, for the conveyance of despatches and correspondences. They will also be strengthened by the impulse which this arrangement will give to trade, and by the multiplication of commercial interests between the two nations. Our commercial intercourse with other nations has considerably increased; and they now perceive how important to all are the advantages of our independence.

Hostile measures have been prosecuted against Spain and her commerce; and, to obstruct supplies for her castle of San Juan de Ulua, a blockade of this fortress has been proclaimed, which has been respected by the English vessels of war, anchored at the isle of Sacrificios.

The president of the republic has been desirous, ever since his election, of despatching an agent to Rome, to adjust religious concerns with his holiness. But the causes that have hitherto prevented him; will be made known in the memorial to be submitted by the secretary for justice and ecclesiastic affairs.

The friendship that has subsisted with the United States of America, since the declaration of independence, has not been interrupted. That government appointed a minister plenipotentiary to reside near this court; and the failure of his arrival has had no connection with the friendly relations that unite the two nations. Sir Don Pablo Obregon was sent by this republic to

that government with equal powers, and, according to official communications, he has been received and recognized by the president at Washington.

The nature of the cause and the identity of interests, which belong to all the countries of America, that have broken the yoke of Spain, connect them so closely, that, although separated, and acknowledging different centres of government, they may still be said to compose a whole, of homogeneous parts. These circumstances bind them together, and cause the reverses and the prosperity of each to be felt by all. They are disposed mutually to assist in the attainment of that which is their common object.

To regulate our movements, and to organize these combined forces, the Colombian government conceived the grand design of forming a general league of all the American states heretofore under the dominion of Spain. Invitations for this purpose were made to the governments, and treaties of alliance and confederation consequently formed. A treaty with this government was concluded on the 3d of October, 1823, approved by the congress on the 2d December, instant, and ratified by the executive the same day. This was also approved by the congress of Colombia, and ratified by the government; but its publication has been deferred, because of its not having received a formal ratification.

At the moment of our independence, the president of that republic appointed a minister plenipotentiary near the provisional government which we had at that time, who continues the exercise of his functions. The minister appointed, on the part of this govern-

ment, to reside at Bogota, has been prevented from reaching his destination by various causes; but that the important communications arising out of our intimate relations might not be obstructed, the secretary of the legation has been ordered to that court, to exercise the office of charge d'affaires till the arrival of the minister.

The independence of the ancient kingdom of Guatemala, having been formally recognized, under the title of the United Provinces of Central America, by a decree of the congress on the 25th of August of last year, the minister plenipotentiary, deputed by that government, has been received as accredited to this court. It was determined to appoint immediately a minister of like character, to reside at the capital of the new republic. This has not yet been done, but may be expected in a short time.

Among the provinces whose independence was recognized under the preceding title, was not comprehended that of Chiapas, which continued independent on both nations. They have acknowledged the right of this province to determine to which of the two republics, between which it lies, it would attach itself. To have remained a long time in hesitancy would have been equally prejudicial to both; the government, therefore, to hasten a decision, agreeably to the instruction of the congress, and to give to the declaration the charac-

ter of the freedom and formality proper for acts of this nature, used the frankest measures, rejecting the most distant advantage of interest or influence, and invited Guatemala to do the same. This gave rise to a correspondence which was conducted with that candor and good faith that should ever subsist between two friendly and neighboring nations; and which, if necessary, will be submitted to the congress. Chiapas, in the meanwhile, freely exercising its right, solemnly resolved to unite itself to this republic, with the exception of some districts, and was admitted into the confederation, which has the pleasure of witnessing an addition to the number of its states by one of those triumphs of opinion, when uninfluenced by force.

Some movements of the Indians of New Mexico, who lead an erratic life in separate tribes, and also of those who have made advances in civilization, and are settled in different communities, have menaced that part of the republic. The imprisonment of the chiefs who excited the Opatas to insurrection, has quieted these disturbances. It is due to the United States authorities, to acknowledge their kind offices of mediation in the range of their territory bordering on that of New Mexico, in averting the evils and calamities of a desolating warfare.

LUCAS ALAMAN.



**MESSAGE from Citizen GUADALUPE VICTORIA, PRESIDENT of the UNITED MEXICAN STATES, to the Chambers of the General Congress, pronounced at the solemn opening of its annual session on the 1st of January, 1826.**

Gentlemen—Our country having increased in prosperity, even beyond the expectation formed from the flattering prospects of the preceding year, having acquired in her course a degree of external respect, which has gratified our most sanguine wishes, and furnished the hope of a happiness without limits, in the development ever progressive of the numerous sources and elements of power and grandeur which abound in this fortunate land, and having at length reaped the fruit of fifteen years of heroic toil, Mexico is placed on a level with the great nations of the universe, and gives promise of gigantic advances in the career of improvement: this wonderful combination of events unrolls the magnificent plan traced by Providence, when regulating, with a wise hand, the order, the means, and the fulfilment of the destinies of the republic.

The august ceremony which has surrounded me, to my inexpressible gratification, with the representatives of the illustrious Mexican people, to-day, that they return to the exercise of their important legislative functions, gives me an opportunity to present to the chambers and to the nation a sketch of the year 1825, which will be remarkable in our annals, as more abundant than those which have hitherto preceded it, in the favors dispensed to us by the God of nature and of society. I comply, at the same time, with the grateful task of making public the acts of my whole administra-

tion, while the secretaries of the government fulfil the obligation imposed upon them by the constitution, of rendering an account to congress at the commencement of every year of the affairs of their several departments.

The month of January, of the year which has just closed, has deserved great celebrity from their having been then manifested to the diplomatic agents assembled in London, the disposition of the government of his Britannic majesty to enter into amicable relations with, and to recognize the independence of the new American states. This decisive act of the profound policy of the British ministry has disconcerted the plans and machinations of our external enemies, by surprising the cabinets of the allied powers. Thus has been revealed the secret of their ulterior intentions, and they have been forced to confess that they renounced for the future all armed intervention in subjects relating to the insurgent Americas. It was in agitation to extend and establish beyond the ocean the absurd principles of legitimacy and to abolish liberal ideas in the new world. Protests, repeated acts, a mysterious correspondence with the court of Madrid; all this conspired to found a suspicion that Spain, in order to preserve the remnants of her detestable sway, was endeavoring to procure the assistance of the armies and navies of other nations. The invasion of the Peninsula in 1823, included the fatal design of placing Ferdinand



VII. *in a situation to undertake the re-conquest of his former colonies.* By his proclamation to the Spaniards, the French generallissimo wished to insinuate that such were the views of his august uncle. Let us acknowledge the generous feeling of the British nation which impelled her to fly to the aid of the cause of reason, of justice, and of liberty—and to redeem the Americas from the evils and disasters of war, by the interposition of her trident. The debt of our gratitude is so much the more flattering, as the resolution of the cabinet of St. James rested on the unanimous approbation of the English, interested in all their relations for the triumph of American independence. A nation eminently industrious, in which politics and commerce turn on an axis, participates in the progress and stability of other nations, which possess the materials that luxury and habit have rendered necessary. An event of such importance has opened a door of communication between the two worlds—and Mexico, called by her happy location to play a conspicuous part in the new order of things, prides herself on the inexhaustible richness of her soil. Our agent in London enjoys, since that period, the diplomatic rank with which he was announced by our government. The charge d'affaires of his Britannic majesty resides in the capital of the republic, and, associated with Mr. Morier, who arrived at Vera Cruz on the 14th of the last month, will be employed very shortly in the conclusion of treaties, which, I confidently hope, will effect a reconciliation of the interests of both nations. The chambers, in fulfilment of the 13th power of the general

congress, will take into consideration this grave negotiation, which holds suspended the attention of Europe.

France has solemnly pronounced her anxious wishes to strengthen her mercantile relations with this and the other new republics of America, under guarantees emanating from her government. It is desirable, as well for the advantage of France as for that of the new continent, that the clamors of those Frenchmen should prevail in her cabinet, who have ever been animated with the love of glory, and who seek with earnestness a new and rich market for their abundant industry. However the real aspect of the original act may be considered in diplomacy, by which the independence of Hayti has been recognized, it has justified incontestibly the right of insurrection, and raised the principle of the expediency of the time being, above that other false principle which makes no distinction between communities of men and herds of cattle. With no fear of being in error, I consider this fact as a forward step on the part of France, which must lead her on gradually to imitate the glorious example of her dexterous rival. This opinion has been recently strengthened by the consent of the court of Versailles to send out to us a commercial agent, and to receive one appointed by the republic. It may not be improper to remark, that similar measures were taken by England before the final accomplishment of her intentions with regard to the new world. Although it may be the policy of France to postpone the moment of a definitive resolution, it is certain, and a source of gratification to the

friends of humanity, that her actual dispositions towards the republic are by no means alarming.

The king of the Netherlands, a descendant of the house of Orange, that illustrious supporter of liberty, who governs his people with equity and justice, has recognized a provisional consul for Mexico, who is now acting officially in that country, which the active and enterprising genius of its inhabitants have raised upon drained marshes. Mr. D'Quartel, commissioner from the king to this republic, expressed to me, in the name of his government, the adhesion which it professed to the philanthropic principles of our existence.

The president of the council of government of Prussia, has communicated the appointment of a commercial agent to the republic, who is now in the capital of this confederation. The progress of the commercial company of the Rhine has, without doubt, induced the cabinet of Berlin to open, for the advantage of their country, this path, hitherto unknown to the centre of Europe.

The foreign journals communicate satisfactory notices respecting the intentions of Sweden and Denmark. And although the government is not in possession of such official information as might enable them to assure the chambers of this fact, yet it is reasonable to suppose, that two maritime powers, not within the immediate reach of foreign influence, and which may supply some of the articles formerly derived from the commerce heretofore maintained by Spain, should hasten to form friendly relations with the American nations.

In the conduct of the emperor of the Russias, nothing is observa-

ble hostile to the happy revolution of the Americas; and as Mexico is, of all the new states, the nearest to the Russian possessions, sooner or later communications will be established with the court of St. Petersburg. Our attention is fixed even now on the memorable ukase of the 28th of September, 1821, prohibiting all persons, not being Russians, from exercising any commerce, fishery, or industry whatever, on the islands or coasts of the northwest part of America, from the straits of Bering, to the 51st degree of latitude, or on the Allention or Curile islands, or on the eastern coast of Siberia. The protests made by the United States of the north, have explained sufficiently how far this law affected the sovereignty of the seas.

The holy father, uniting in himself the double investiture of sovereign of Rome and head of the catholic church, has high claims on the veneration and affection of the Mexicans, who anxiously aspire to connect themselves with the father of the faithful, in objects exclusively religious and ecclesiastical. The benevolent letter of the 29th July last, addressed to me by Senor Leon XII., is expressive of his ideas of justice, and induces a belief that our envoy, who arrived in Brussels in August of the last year, may be paternally received, and permitted to render homage to the legitimate successor of St. Peter.

And coming to the nations of the happy hemisphere of Columbus, justice and gratitude oblige us first to mention that which is the most ancient in America, and was the first of the civilized world which solemnly acknowledged our

rights, after it had preceded us in the heroic resolution of throwing off the yoke of the mother country. The United States of the north, models of political virtue and moral rectitude, are advancing under the system of confederated republics, whose adoption among us by the most spontaneous act on record, strengthening the most intimate union between the neighboring nations, places us on a level with the country of Washington. A minister plenipotentiary of that nation, residing near our government, is appointed to conclude treaties, which will soon be submitted to the deliberation of congress. The definitive settlement of the limits between both nations is very important, and the government is endeavoring to facilitate the conclusion of this business upon the unalterable bases of frankness and good faith.

The republic of Colombia, identifying with ours her principles in peace and in war, has concluded a treaty of union, league, and perpetual confederation, which, now solemnly ratified, is the inviolable pledge of harmony between two friendly countries allied by nature. The squadron of Colombia was prepared to sail for our coast, in fulfilment of one of the articles of the convention; but the recent success of our arms rendered, in the opinion of government, its arrival unnecessary.

The great victories of president Bolivar will hasten in Peru its anxiously desired organization. The independence of that province was acknowledged at the time of the protectorate of general San Martin, and since, no minister appointed by any of the various provisiona-

ry governments of Peru has yet presented himself in Mexico.

The chief of the United Provinces of Rio de la Plata has professed the firmest and most cordial friendship of that nation towards Mexico.

The Chilean republic, not exempt from momentary changes, cannot delay to communicate with Mexico most intimately and most frequently.

During the past year, some correspondence has been held with the republic of the Centre, in order to preserve entire the state of the Chiapas, and the government, in conformity with the views of congress, will prefer measures of peace and friendship as long as they are sufficient to maintain the honor of the nation. A charge d'affaires to Guatemala has been nominated, who will depart as soon as he obtains the constitutional consent of the chamber of senators.

The desired union of representatives from all the American nations will soon be realized in Panama, to consolidate the alliance, and the most sincere friendship of the great family, which, with repeated prodigies of valor and exertions of constancy, has thrown off forever the Spanish yoke. The plenipotentiaries of Mexico will sail during the course of the present month. I congratulate the chambers and the American continent on the near approach of an event which history will record as the most important which, perhaps, may occur in the nineteenth century.

And viewing the brilliant condition of the interior, new and important triumphs have heightened

the glory of the republic. The Spanish squadron in the Pacific, which encouraged the hopes of the government of Madrid, even after the campaign of Ayacucho, capitulated on the 1st of May, at Monterey, in the Californias—augmenting our naval forces with the ship of the line Asia, now the Mexican Congress, and the brig of war Constante. The importance of this fact is incalculable in politics, and morally presents considerations highly honorable to Mexico—which was chosen among all the states which border on the great ocean, to receive the last spoils of the dying power of Spain in the seas of America. The generosity of the republic, pledged to those unfortunate persons who adopted a new and better country, has paid them the dues of the Spanish government, which withholds from all its engagements, whilst it demands their sacrifices.

The chambers participate, at this moment, in the joy which transports me, remembering that at the end of four years of exertions and useless toils to effect the surrender of the famous castle of San Juan de Ulloa, that the flag is lowered which Cortes hoisted in the Mexican waters. By reason of the organized plans of the government, of a vigorous siege by sea and land, and the daring movement of our marine upon that of the enemy, which a skilful hand directed, our troops took possession, on the 21st of November, of that post which is named the *Gibraltar of America*, which may be called the *Key of Mexico*, and which protected the sworn enemies of independence at the gates of the republic. An event of such magnitude, and which has been an object of the

most ardent wishes of patriots, indemnifies the losses the nation has suffered by long years of contest, and is flattering to the congress and government at the success of their efforts exerted for the prosperity of the Mexican states. The republic has attained the highest character, which repeated testimonials daily testify, and has impressed the last seal to the triumph of the great cause of the liberty of America, radically identified with the fate of Mexico. The government, which views the national congress seated on the throne of justice, asks of its august munificence that recompense to the valiant soldiers of the country which they deserve.

The treasury, which in all countries is the barometer of their riches and aggrandizement, is about to experience the most advantageous increase to its receipts. The creation of public funds has inspired our creditors with that confidence which constitutes the magic of our resources. The national credit in foreign markets rises proportionably with the scrupulous observance of our engagements to the houses who have loaned us. That of Barclay, Richards & Co. of London, negotiated advantageously the loan which it was authorised to do by the republic. Happily, very little of it has been paid for ordinary expenses: the purchase of vessels, armament, clothing, and equipment for the army, the collection of valuable and productive crops of tobacco, the funding a very respectable portion of the loan contracted in 1823, with the English house of B. A. Goldsmith & Co., and the most punctual payment of the dividends of the interest and ordinary liquidation, have been the objects of

its investment, and with what advantage is seen in the army, in the augmentation of our marine in the acquisition of Ulua, in the interior and exterior security which we enjoy, and in other improvements. The half of the products of the maritime customs, and in Mexico sufficing, by consent of government, very strict orders have been given that the half of those, that is, the fourth part of their whole value, be deposited in Vera Cruz, Alvarado, Pueblo Viego de Tampico, Tampico de las Tamaulipas, Soto la Marina, and Refugio, to be religiously employed in the complete and prompt payment of dividends and ordinary liquidation without the necessity of having recourse to the remainder of the last loan, which is in London at the disposal of government.

The regulation of a tariff, so very urgent, will give to commerce that impulse, of which, perhaps, it stands in need; and the future estimate will show advantages which, compared with that of 1824, and even with that of 1825, will be more general and perfect. The maritime custom-houses have, for some months, been progressing towards a complete organization, which they will, no doubt, attain, on the plan designated for the purpose. The states of the Chiapas, Queretaro, Puebla, Tabasco, and Yucatan, have received that assistance, in money, which their resources, at this moment, do not supply. They will become productive, and remittances to them will cease. The allowances to Bejar, Cohahuila, Chihuahua, and Tejas, have been opportunely attended to. To the Californias succours of every kind have been sent. The public stores of the capital are furnished

with abundance of clothing and equipment for the army, which ensures its permanent respectability.

Commerce, the channel of communication between consumption and production, is advancing, beyond all calculation, upon the shores of Mexico; and neither monopoly nor rivalry have been able to affect the markets. Yet the prosperity of commerce demands a short and convenient internal circulation, which the chambers will perfect, in considering, during its present session, the project of roads. There is scarcely a subject on which the general opinion is so decisively expressed.

The system of the treasury, adopted by the sovereignty of the nation, has been prosecuted with care and effect, by the executive. Through the exertion of constant efforts, and as the height of our good fortune, I can anticipate the chambers in the agreeable intelligence that *it is probable the exigencies of the present year may be supplied by the natural productions of our soil*. Let the alarm, then, of the pusilanimous be quieted, who distrusted the immense resources of the nature, of the genius, and of the industry, of our truly fortunate country.

The army has re-established its moral character, the principle of its existence; and discipline has advanced, in one year, beyond all calculation, as well in the troops of the line as in the active militia. The brilliancy of their equipments, the excellence of their arms, contribute in great measure to render our army comparable with the best of the world. More than half of the numerous armament procured in Europe, has arrived in the republic, and we are gradually receiving the

remainder, fulfilling, abundantly the wishes of the nation. It is supplied with artillery for the fortified points of the coasts, and for the service of the field. Orders have been given to form, in Perote, an abundant deposit of munitions, that they may be protected from the inclemency of the northern coast, and with other views of obvious expediency. To the presidary companies a provisional form has been given, until the chambers resolve upon the proposition of the 23d of March last, taking care to provide them with clothing, armament, and munitions, to keep in check the uncivilized tribes. The Yaquis Indians, in Upper Sonora, revolted, committing some assassinations; but the activity of the military chief, and of the political authorities, disposed them to ask peace, and to avoid the repetition of similar outrages. The congress, adopting measures analogous to their philanthropic feelings and to the compassion which those unfortunate individuals of the human race inspire, will promote their social enjoyments, ever avoiding the barbarous policy of the Spanish government, which, by regulations printed and circulated among the military chiefs of those frontiers, ordered *the provocation of war, in order to consummate their destruction*. The government has attempted to conciliate the chiefs, by every measure of peace and lenity; and the sword will not be drawn, except to punish revolts. The points of approximation to the enemy have been guarded, by an appertune detachment of troops. The state of defence in Yucatan is very respectable, and the government, from its vicinity to Cuba, has regarded it with attention. These precautions

are not in vain, even though the physical and moral weakness of the enemy be evident. The injuries and disorganization of San Juan de Ulua are now repairing, so that the first port in the republic may be maintained in perfect security.

Our fleet having discharged its duty, in effecting the surrender of Ulua, has been despatched to protect our coasts from the incursion of pirates and smugglers. The ships of the line which are expected, will shortly increase its force, and will protect our commerce in the Mexican gulf—two brigs of war and a schooner, are on similar service in the South sea. The intercourse with the Californias, which was paralyzed for want of vessels, has been facilitated by the construction, at San Blas, of two packet schooners. The ship of the line, Mexican Congress, now equipping, will sail within a month, from Acapulco for our northern coast, to be there employed in the service of the nation.

The supreme executive power, charged with the prompt and complete administration of justice in the confederation, has exerted itself, that the existing laws in favor of the property, honor, and life of the citizen, may not prove brilliant chimeras, nor their decisions act as snares for the innocent, or promote the impunity of the guilty. The chambers know how far the powers of government extend, and the earnestness with which it regards this complicated part of the social organization. Congress must take measures in order that the high judicial power may commence its labors; the act for the administration of justice in the district and territories of the confederation, will complete to the worthy citizens



who compose them, the security of the inestimable privileges of social man. The constitutions of the several states, when examined, exhibit the judgment and circumspection with which the legislatures have established the bases of this branch, according to the forms of the general constitution, and in conformity with the luminous principles of legislative science. The astonishing advancement in the moral character of the republic proves no less the amiability and mild disposition of the Mexicans, than the regular operation of the institutions which we have adopted, and their analogy to the national habits. Robbers and highwaymen, driven from the states, took refuge in the capital, and sheltered by its numerous population, committed their infamous outrages in the darkness of night, and even in the light of mid-day. These excited the energy of government, which, aided by the salutary law of the 3d of October, has effected the disappearance, punishment, and prevention of crime. The trial by jury of these atrocious offences, may effect, when the experiment is tried in the federal district, the delightful discovery that the republic has attained that state of perfection which this species of trial infers.

Information is extending itself throughout all classes of society. The government is gratified by the amelioration of the existing establishments of education, by the formation of others, and by the strenuous efforts used to render the light of knowledge among the people inextinguishable. A select assemblage of citizens, anxious for the glory of their country, have conceived and realized the design

of creating in the capital an institute for the perfection of the sciences, literature, and the arts. The executive has sanctioned the statutes enacted for its regulation, and has applied to the chambers for the assignment of funds. The academy of San Carlos holds its doors open to the acquisition of good taste in the arts which conduce to the comforts of life. The formation of a national museum has been commenced, which will be the depository of the rare and precious productions of our soil, for the instruction of the youthful student, and the admiration of the traveller. Colleges are forming in the different states, for the study of moral and physical sciences, comprehending political economy, legislation, and other attainments, which the pusillanimity of the Spanish administration had rendered strangers to our land. Schools for the rudiments of education are increasing in number, and the system of Lancaster is becoming general through the efforts of the company of Mexico, assisted by the government. Various societies and academies aid the rapid march of improvement. The greater portion of the states have acquired printing offices, and the free thoughts of the Mexicans furnish the presses with active employment, even to the confines of the republic. The government is engaged in the preparation of an extensive system of education, which will deserve from the chambers the attention due to the highest of their exclusive faculties.

The working of the mines has given employment to a large amount of foreign capital, has revived the population of the interior, and animated the exertions of agriculture



and commerce. Idleness has disappeared, useful occupation has succeeded, and the hopes of families are renewed, who had passed from opulence to the most abject poverty. A spirit of generous emulation reigns in the mints, and the circulation of the signs of value will be increased to a level with the public riches. The introduction of machines for the separation of metals from the ore, and the presence of skilful artists, will diffuse here the lights which we formerly envied in Europe. My imagination can scarcely embrace the excess of happiness which is in reserve for our country.

Manufactures, which secondly constitute the fund of our resources, have visibly augmented. Manufactories of paper, of iron, of glass, of cotton thread—all this proves the activity and enterprise of the Mexicans.

Although until now, the communication of the two seas by a canal across the isthmus of Tehuantepec appears problematical, every doubt has disappeared as to the facility of opening short and excellent carriage roads to the commerce of the world. The expedition which the government ordered to that quarter, has returned with a confirmation of these notices, and has fulfilled, in a great measure, their objects. The secretary of state will communicate in detail to the chambers, the untired efforts of the government, to leave nothing undone in the important objects of creating, encouraging, and advancing the organization of the interior.

Let me be here permitted to direct the attention of the chambers from this uninterrupted course of prosperity, to the sad remem-

brance of the victims of a desolating pestilence, which swept away great numbers of infants and children of tender age. The government visited the mansions of grief, and its succors were proportioned to the evils and their lamentable effects—these fortunately have ceased.

Yet an infinite consolation fixes our attention again in the development of the germ of our liberties, which is forming constantly a fruitful and luxuriant tree, and extending the elements of life throughout the federative body. A year ago those persons lamented our fate, who entertained the insulting belief that we were incapable of being governed by the most sublime of known systems. It was thought that the code of the nation was a theory vain in itself, and that we should be at length undeceived in the result. It was thought that our legislators, destitute of foresight, or overwhelmed, if you please, by a torrent of dangerous ideas, would involve the people in the disasters of anarchy, when they wished to call them to social perfection. The Mexicans, intimate by nature with all that is good and great, and perfect, laughed at these vain predictions of ignorance, and perhaps, of bad faith. Universal content, adhesion to the laws, respect for the conservative maxims of our political existence, all contribute to support the wisdom and profound calculation of Mexican legislators.

Our country, crowned with glory, displays, in the presence of the universe, peace, philanthropy, and virtue, sheltered in her bosom. Even from this moment we see her transmitting her name to distant centuries with the majesty of her prin-

ciples, and the immensity of her resources. The chambers of the general Mexican congress, in the plenitude of their power, will take

care to consummate the grandeur and happiness of the republic. I have spoken.

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*Extracts from the MESSAGE of the PRESIDENT of MEXICO to the Congress.*

“ The treaty of amity, navigation and commerce, with Great Britain, although it has hitherto offered some difficulties which have retarded the wished for end of the negotiation, it is to be hoped will be soon concluded in a manner convenient and advantageous to the parties : and that it will place the seal on the relations which happily exist already, and which are cultivated by the one nation and the other, in the bosom of the most sincere friendship. When good faith and frankness preside over the negotiations, it is easy to approximate even the interests which appear most distant.

“ It is, moreover, to be believed, that we shall, from the same principles, labor to place in close union and to regulate the interests of the United States of the north with those of this country. That government, following up its system of neutral commerce, on the basis of perfect equality, has, in the course of the negotiations, resisted the exception which Mexico desires to establish and to see generalized in those parts of America, which have been dependent on the same mother country, and which, from their identity of principle, of origin and of necessities, make common cause for their mutual assistance against their common enemy. Those states, though American in their opinions and interests, have connections with Europe

which are to be respected to a certain point ; connections which do not exist for the new states which are under the necessity of assisting one another in every sense. An official document which has just appeared in the face of the nations, has illustrated the policy of the cabinet at Washington in regard to the grand continent of America. The memorable promise of president Monroe, contained in his message of the 2d of December, of 1823, is not sustained by the actual government of the United States of the north, which has publicly declared ‘ that it has contracted no obligation, nor made any promise to the governments of Mexico and of South America, that the United States will not suffer the interference of any foreign power, in the independence and form of government of these nations.’ It is certain that Mr. Clay, secretary of state and author of the note, appeals to the sympathy of the people of the United States and their community of interests with the new republics ; but it is no less certain, that the guarantee of a compact disappears, from the disinclination of that government to unite itself with ours in the struggle which some power, auxiliary of Spain, may provoke. The Mexican republic, in declaring her independence of all the nations of the globe, rested herself on the purity of the principles she invoked, in

the inexhaustible resources of her soil, and in the adventurous valor of her sons. She proclaimed maxims of universal justice, and her desires to unite herself to all the nations by the ties of a friendship the most intimate, and the reciprocity of rights and obligations. No flag has been excluded from her ports, and her rich commerce remains constantly open to the speculations of the subjects of all countries. This philanthropic conduct has gained the Mexican United States the esteem and the approbation of nations, while at the same time the tranquility of the interior, and the free circulation of riches have strengthened her elements of defence. The government of the republic regards it as beyond the circle of probabilities, that any power distinct from Spain, should venture on the enterprize of disturbing the pacific possession of an existence which valor acquired and moderation protects. But if contrary to all expectation, the classic soil of liberty should be profaned, Mexico by herself alone, will be enough to defend and preserve her rights and her dignities.

“The emperor Alexander, in the last days of his life, when he descended to the tomb bowed down by the weight of the dominion of Europe, proclaimed solemnly his principles, his wishes, and his intentions in respect to the American revolution. Mr. Clay announced to the cabinet of St. Petersburg the profound considerations which bound it to interfere in so important a business. The secretary of the United States insists on the idea that the peace of the world will not be irrevocably assured, while the convulsions and the uncertain struggle in America remain. The designs of the cabinet at Washing-

ton will do honor to it always, because they have been worthy of its fore-sight, of its calculation, and of its philosophy. The foundations of American independence are analyzed with singular dexterity, light is diffused over facts, and the final developement, which, after so various events, has at length occurred, is foretold. The necessity of conforming to circumstances and to the irresistible power of a triumphant revolution, is enforced with great boldness. The resources of the new states are shown, and the fear lest the continuation of the war, of a war fatal to Spain itself, may give a pernicious turn to certain interests, to the united forces of twenty million men confederated and conquering. Nothing is omitted which may conduce to set forth events of which the evidence is so palpable. It must, in justice, be confessed, that the emperor of Russia did not turn a deaf ear to an invitation which concerned his generous character as regulator of the destinies of Europe. Count Nesselrode, in a note of the 20th August, of last year, confines himself to declaring, *that the opinions of his majesty do not permit him, in so important a case, to anticipate the determinations of the mother country; and that Russia cannot give a definitive reply to the propositions of the United States, till she shall have received positive intelligence of the further designs of Spain and the intention of the allies.* The favorite maxims of a cabinet which marches at the head of the allied powers are not unknown, neither will it be hidden from him who reflects on the phrases of this celebrated document that they involve hostile projects of Russia against the modern republics.

*Extracts from the MESSAGE of the Vice-President of the Republic of COLOMBIA, acting as President, to the Congress of 1825.*

“His catholic majesty, so far from relinquishing his old pretensions to the sovereignty of these countries, warned, as he has been, by justice, experience and the ruin of the Spanish nation, still retains his hostile views, nor is there the least prospect of reconciliation.”

“Congress may remain satisfied that our means of defence are most abundant, and, whatever enterprise may be attempted by Spain, will only end in her disgrace, and add to the lustre of our arms.”

“Our relations with the American governments are on the footing of friendship and good intelligence, that ought ever to exist between states maintaining the same cause. The assistance we have afforded Peru has produced such an important change in that country, that her independence can no longer be matter of doubt.”

“The government of Mexico has just presented a terrible example to the usurpers of the power of the people. The general Iturbide contemned the law which banished him, and entered the Mexican territory in a manner which alarmed the government. An act of congress declared him a traitor, and condemned him to die, which sentence was accomplished without the least disturbance. By this conduct, it appears certain, that the Mexican government has advanced one step towards stability and happiness. Recent information, from that part of America, has acquainted us with the energetic and extraordinary measures which have been rendered necessary to be employed for the defence of independence against the views of Spain, and to recall those to a sense of

duty who have treated the compact of union with contempt.”

“The provinces of Guatemala preserve, without any opposition, the state of sovereignty, for which they declared by their spontaneous will. An accredited minister, on the part of that government, to this republic, resides in the capital. This affords a favorable opportunity for us to understand each other on points deeply interesting to both parties. The fixing the boundaries between Colombia and Guatemala, is a point of the utmost necessity at the present moment, for some strangers have pretended to speculate on the Mosquito Shore, and the interior boundary is entirely uncertain. The executive, according to the fundamental law of the 12th July, 1821 has claimed, as belonging to the republic, the whole of the Atlantic coast between Cape Gracios a Dios, and the river Chagres; deeming all colonies unlawful, that have not been planted with the permission of the government, and in virtue of the laws of Colombia.”

“The agitated state in which Brazil has hitherto remained, has prevented our entering into relations of amity and good will with that government, with whom we ought also to settle the important question of boundaries.”

“With the *United States* we maintain the most friendly and cordial relations. You will have before you in a short time for your examination and approbation, the treaty of peace, friendship, navigation and commerce, that the executive has concluded with the government of those states.”

“Colombia will be proud of ha-

ving been the first of the old Spanish American states that has presented itself to the world, united by means of public treaties, with a nation pre-eminently favored by the genius of liberty. You will, likewise, receive for examination, the convention which has been settled with the same states, to put an end to the horrible slave trade; our laws have declared against that execrable commerce, and on this basis the executive regulated its conduct. The law of the 21st of July, of the 11th year, prohibits the introduction of slaves: The law regulating cruisers, declares all vessels found trafficking in slaves in the waters within the jurisdiction of the republic, to be lawful prizes; but as there are no punishments for the infraction of the law, and it being for the benefit of the human race, that the authority of the law regulating cruisers should be extended, it appears to the executive that this convention with the United States supplies this deficiency."

[The document then proceeds to notice the relations of the government with Great Britain, and states that the executive had deferred the *exequator* to the commissions of the British consuls, on account of the ambiguous manner in which they were worded, but allowed them to remain on the footing of agents for commerce and seamen. The commissioners of his Britannic majesty had accepted this condition with pleasure, without having refuted the arguments on which the *exequator* was deferred.]

"The executive of Hayti has despatched an accredited agent to this government, to propose the adjustment of a treaty of defensive alliance against the respective in-

vaders of both territories. The language of liberty employed in the propositions of the agent, and the private services which the liberator received from the humane and sensible Petion, in the hour of calamity, have not misled the executive in the line of conduct it was his duty to adopt on so delicate a negotiation. Hayti defended her independence against the pretensions of France, of which she was a part, and Colombia defended hers against those of Spain. A defensive alliance with Hayti would place us under the necessity of going to war with a nation against whom we have no cause of complaint, and whom we ought not unnecessarily to provoke."

After some further observations, the message adds—

"All these considerations have caused the executive to lay by the proposition of the Haytien agent, until the assembly of the plenipotentiaries of the American governments shall meet. Our allies and France will see, in this noble proceeding, the good faith and principles on which the policy of the Colombian government is founded, and France, in particular, will observe that we have acted in the most open manner, in the steps we have taken, to incline his most christian majesty in favor of the republic, and that we do not attribute to the French government the suspicious and insidious conduct observed by persons who came to Colombia in the frigate *Tarne*, whose voyage appears to have been undertaken to visit this country and observe the state of its affairs."

"The tranquility enjoyed by the republic has permitted the executive to provide for the propagation

of the new mode of instruction ; to augment the number of colleges ; to establish new professorships, and to reform some colleges which were yet suffering from the old colonial system of education, and from the horrors of war," &c.

"In general, I am able to assure you, that the order and regularity of the progress of the constitutional rule, has suffered no alteration. The authorities respect the institutions, and the citizens enjoy the right freely to demand the fulfilment of the laws. It would, indeed, be a phenomenon, were a new born society to progress towards prosperity without encountering some obstacles, without some small oscillations. Colombia has yet to suffer from the wanderings of ignorance, and the effects of the incessant suggestions of its enemies, although it is true, that neither the one nor the other can prevent its reaching that point at which it must one day arrive. The disturbances of Pasto, which, it was feared, would be prolonged, from the nature of the country and the character of the people, have disappeared, and the government have been as indulgent as the public security would permit. The people desire to live in peace under the protection of the laws ; and whilst they take upon themselves the task of preserving public order, and sustaining our institutions, the republic will enjoy internal peace, and the armed force will no longer have to attend to this duty."

"The commerce of the interior requires some regulations to repress the abuses of the sailors, and to favor navigation ; and, as regards the external commerce on the coast inhabited by wandering tribes, some special laws are ne-

cessary to relieve the executive from the trouble and difficulties he has encountered on that head within the last few years. I ask of congress to pass a law prohibiting the granting of letters of naturalization to individuals of any nation with whom the republic is at war. This is one of the laws contained in the code of a nation who may call herself truly free, and on the utility of which it would be superfluous to expatiate.

"The poverty of the national treasury must exist, whilst the payment of the old debt falls on the annual ordinary rents, and whilst the system is continued of not fixing the public expenditure and properly covering it."

"I hope this legislature will extend its consideration to the uniform regulation of the decimal rents, to the reform of the law on direct contribution, and to the other objects which the executive will point out to you, in virtue of the permission which is conceded by the constitution.

"The various and disagreeable questions occasioned by the loan of March, 1822, have been settled to the satisfaction of those interested in it, and to the honor of the republic. The executive employed in this transaction the power conceded by the act of the 1st of July, 1823, the results of which will be speedily communicated to you.

"Congress may rest assured, that the conduct we have pursued in this affair, has received the approbation of the most respectable foreigners who have been able to comprehend all its difficulties."

"It is very important to the public prosperity, and to the national credit, to provide for funding the national debt. Every year



new difficulties are added to those already accumulated on this subject. The debt embraces different epochs, different objects and creditors, which have not been properly classed. Although, during the last session, one act on this subject was passed, you will agree, with the executive, that it is very imperfect.

“The army has continually given proofs of its obedience to the laws. Although within the republic there have been no enemies for it to contend with, it has remained on the war footing required by European politics.

“Our navy is receiving all the increase and strength that our present circumstances admit of. The Colombian flag is respected in every sea; and wherever it has fought against the Castilian flag, it has left a monument of our superiority.

“Naval schools have been formed in Carthagena and Guayaquil, as far as the limited means at the disposal of the executive admitted.”

The message closes as follows:

“This is the present state of our republic, in every branch of its administration. Friendship and the best disposition with the American and foreign governments—regularities in treaties and conventions—order and tranquility in the interior—respect and submission to the laws—a free press—the increase

of public education—well founded hopes of improving the national wealth—an army covered with glory, consecrated entirely to the cause of liberty and independence; and sufficient resources to meet any event, and to sustain its dignity, government and laws. It is for you to remove the obstacles that impede the rapid progress of this republic to happiness and prosperity, and reform those defects to which public opinion pointed out, and which you acknowledge to exist. If we cast our eyes back on the period when the code of laws was first published, and recollect what Colombia was then, we shall perceive, with agreeable surprise, that we have made a rapid stride, and conquered vast difficulties. This ought to animate us to prosecute our designs with the greatest zeal and patriotism. The executive firmly believes, that these virtues exist in the legislative body; and you, I hope, will have sufficient confidence in me to believe, that I shall afford all the assistance that the experience of administration may have placed in my power; and above all, I shall be extremely punctual in the execution of your wise deliberations.”

[Signed by FRANCISCO DE P. SANTANDER, and dated at Bogota, January 2, 1825.]

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*The following is the definitive reply of the executive power of COLOMBIA to the commission from HAYTI, which is mentioned in the last message of the vice-president.*

#### REPUBLIC OF COLOMBIA.

*Secretary of state's office for foreign affairs,*

Palace of the government, in the capital of Bogota, 15th July, 1824—14.

*To senor J. Derrriers Chanlater, &c.*

Sir—I have had the honor of in-

forming the executive of the communication you did me the favor of placing in my hands on the 6th inst., in which you unfold the objects of the mission with which you were charged by the government of Hayti to that of Colom-



bia, with various documents, from No. 1 to 10.

It is very apparent, sir, that your government has not allowed you more than the short period of twenty days to negotiate an affair of so much importance, and which requires, in its nature, a very long and deliberate consideration in the state of political relations in the civilized world. But as it is not in your power to remain a longer time in this capital, I proceed to answer the said communication, suspending, for a time, the despatch of affairs of great importance, which, at this moment, occupy the attention of my government, and in the happy accomplishment of which the cause of the liberty of South America in general is deeply interested.

The government of Hayti desires, as you do me the favor of stating, to conclude with this country a treaty of alliance, defensive and commercial, pledging mutual assistance, in money, provisions, and munitions of war, against the foreign enemies of both parties.

This will materially change the favorable position in which Colombia and her allies find themselves at present respecting the European powers, multiplying, unjustly and without cause, the number of their foreign enemies. I hope, sir, that you will agree with me, that such a state of affairs is not, nor can be, in any manner, advantageous to your country, or to mine. Colombia particularly entertains well founded hopes to see shortly established relations of peace and good correspondence with the government of his most christian majesty; and it appears to me that the affairs of Hayti are progressing to a final establishment of the same, for,

no doubt, the day is not far distant when Colombia can employ, with effect, her good offices (as a power generally recognized) in favor of those American states who have not yet arrived thereto. This same principle appears to have persuaded your government of the utility of not making to the states of America, (formerly Spanish,) a proposition, such, as in 1824, was directed to this country.

You know perfectly well, sir, that even the president Petion himself. (although animated with that beneficent and philanthropic spirit which will always entitle him to the respect of the human race,) was obliged to yield to the obligations which his magisterial office imposed on him, thereby showing to the Spanish government that Hayti had not taken any active part in the contest on Terra Firma. On the contrary, he gave orders, (to satisfy the Spaniards,) that the vessels which carried emigrants to Margaritta and other ports, should be examined, in the strictest manner, by the cruisers of Hayti; but this is not to undervalue the important favors that general Bolivar, now liberator president of Colombia, and his unfortunate companions, owe to the particular generosity of the president Petion. It is well known, that the president Petion proceeded with so much prudence and wisdom, that the Spanish government could never cast the slightest imputation on him of having infringed, in any manner, the neutrality which Hayti, as well as the powers of Europe and America, maintained, from the beginning of the war which Spain carried on with her ancient colonies, till the present hour. Colombia is, besides, bound by a so-

lemn compact of perpetual alliance and confederation with Peru, Chili, and Rio de la Plata, with the object of carrying on the war against their common enemy, the king of Spain, or against all other foreign domination. As neither Colombia nor its allies have received the slightest offence from France, the proposed alliance will be equivalent to a spontaneous provocation, on our part, which no American or European power can approve of. Such a provocation would do considerable injury to the interests of all the American states, now actually fighting to establish the independence of their ancient head, without excepting Hayti.

It is easy to agree in the abstract principle ; that is to say, in the necessity which all the American governments are under to perfectly understand each other some day, in order to guard against all foreign attacks. But, as to the time of putting it into execution, it is necessary to use much prudence and circumspection.

The old world has its eyes fixed on the new, to observe carefully all its measures, and to examine into them. If the American states have not already arrived to that order and regularity in their institutions, and respect to the rights of others, which is indispensable to include them in the great family of civilized nations, the slightest de-

viation from the forms, usages, and established customs, will retard that important result. These powerful reasons have induced the government of Colombia to believe, that, in order to take into consideration the proposal the government of Hayti has made to that of Colombia, this year, it will be necessary to consult its allies, and, as it is possible that the meeting of the plenipotentiaries of all the states of America, formerly Spanish, will assemble in Panama, in the course of the next year, the government of Colombia will embrace that opportunity to arrange with its said allies, the footing on which, in future, the political and mercantile relations with the other portions of our hemisphere shall be placed, who are, in fact and right, separated from its ancient government. Then, sir, this negotiation will be examined into with that spirit of liberality which characterizes the policy of the government of Colombia and its allies ; and I venture to anticipate, that their determination will be highly agreeable to Hayti. I hope, sir, that you will see, in the frank and sincere exposition which I have just made, a clear and convincing proof of the interest with which the government and people of Colombia are animated for the welfare and prosperity of Hayti.

PEDRO GAUL.

#### PERU.

*The Congress of PERU was convened on the 10th of February, and the session opened by the following message from BOLIVAR.*

TO THE SOVEREIGN CONSTITUTIONAL CONGRESS OF PERU.

Gentlemen—The representatives of the Peruvian people meet this day, under the auspices of

the splendid victory of Ayacucho, which has, forever, fixed the destinies of the new world.

One year has elapsed since congress decreed the dictatorial authority, in order to save the republic, which was sinking under the oppression of the severest calamities. But the protecting hand of the liberating army has healed its wounds: it has broken the chains which Pizarro had rivetted on the sons of Manco Capac, founder of the empire of the sun, and has placed all Peru in the possession of its primitive rights.

My administration can only be called a campaign. We have had hardly time to arm ourselves and fight. Our appalling disasters left us no choice but to defend ourselves. As the army has triumphed with so much glory, I think it my duty to request congress to reward, in suitable manner, the valor and virtues of the defenders of the country.

Tribunals have been established according to the fundamental law. I have sought hidden merit wherever it was to be found, and placed in offices of trust and power. I have carefully sought those who modestly follow the dictates of their consciences and respect the laws.

The public revenue was annihilated—fraud had shut up all its channels. Disorder and confusion augmented the miseries of the state—I have been obliged to make essential reforms and severe ordinances to preserve the existence of the republic. Social life cannot be nourished if the riches of the country do not freely flow in its veins.

The crisis of the republic forced me to adopt measures, and to make reforms, which centuries may not again require. The political edifice had been destroyed by crimes

and an exterminating war—I found myself on a field of desolation, but yet with the means of establishing a beneficial government. Notwithstanding my ardent zeal for the happiness of Peru, I regret that I cannot assure congress that this great work has yet attained the perfection I hoped. Congress will have to exert all its wisdom to give to the country the organization it requires. May I be permitted to confess, that not being a Peruvian, it has, on that account, been more difficult for me to attain this desired end.

Our relations with the republic of Colombia, have obtained for us great assistance. Our ally and confederate withheld nothing from us—she employed her treasure, her navy, her armies in combating the common enemy, as her own cause.

Congress will be convinced by these demonstrations of Colombia of the infinite value with which she views a close and intimate federation of the new states. Impressed with the great advantages which will result from a meeting of a congress of representatives, I have hastened to invite our confederates, in the name of Peru, to assemble as speedily as possible at the isthmus of Panama. This august body will there seal the perpetual alliance of the different states.

The republic of Chili has placed under the order of our government, a part of her navy, commanded by the brave vice-admiral Blanco, which is blockading Callao, with the Chilean and Colombian forces.

The states of Mexico, Guatemala, and Buenos Ayres have made us an offer of their services, which, owing to our rapid successes, have been without effect. These republics have established themselves

and maintain their internal tranquillity.

The diplomatic agent of the republic of Colombia is the only one, as yet, accredited near our government.

The consuls of Colombia, of the United States of America, and of Great Britain, have presented themselves in this capital, to exercise their offices—the last has had the misfortune to perish in the most lamentable manner—the other two have obtained their exequators to enter, on the discharge of their duties.

As soon as the military successes of Peru shall be known in Europe, it is probable that those governments will definitely decide on the political conduct they have to adopt. I flatter myself Great Britain will be the first to recognize our independence. If we are to credit the declarations of France, she will not delay in joining England in that liberal policy; and perhaps the rest of Europe will follow the same conduct. Spain, herself, if she listens to her interests, will no longer oppose the existence of the new states, which will complete the friendly relations of the universe.

Legislators! In giving up to congress the supreme power which you deposited in my hands, allow me to congratulate the people in having rid themselves of the greatest curse in the world—war, by the victory at Ayacucho, and of despotism, by my resignation. *Proscribe, forever, I beg you, that tremendous authority; that authority which was the grave of Rome!* It was laudable, no doubt, in congress, in order to resist the dreadful calamities, and to face the furious storms which desolated the

country, to place her laws on the bayonets of the liberating army; *but, as the nation has obtained domestic peace and political liberty, the laws only ought to govern.*

Gentlemen, the congress is installed. My duty, as an auxiliary soldier, calls me to assist in obtaining the liberties of Upper Peru, and the surrender of Callao, the last bulwark of the Spanish empire in South America. I will then hasten to my country *to give an account to the representatives of the Colombian people*, of my mission in Peru—of your liberty, and of the glory of the liberating army!

BOLIVAR.

#### *Act of Independence of the Provinces of UPPER PERU.*

##### DECLARATION.

The sovereign representation of the provinces of Upper Peru, deeply penetrated with the magnitude and weight of their responsibility to heaven and the world, in deciding the destinies of their constituents, have divested themselves of all partiality and private feelings at the altar of justice, and have ardently implored the aid of the Great Architect of the universe in forming a just decision. . Conscious of good faith, justice, moderation, and careful deliberation on their resolution, they declare, in the name and with authority of their representatives, that the happy day has arrived, when Upper Peru has become liberated from unjust power, from the tyrannic and wretched Ferdinand VII., and that this fertile region has escaped the debasing relation of a colony of Spain; that it is important to its welfare, not to incorporate itself with any of the co-terminous republics, but to erect itself into a sovereign and

independent state, in relation to the new, as well as the old world; that the provinces of Upper Peru, firm and unanimous in their resolution, proclaim to the whole earth, that they will govern themselves, under their own constitution, laws, and authorities, that they may think most conducive to the prosperity of the nation, the inviolable support of the catholic religion, and

the maintenance of the sacred rights of honor, life, liberty, equality, property, and security. To carry into effect this determination, they bind themselves, through this sovereign representation, by their lives, property, and sacred honor.

Signed by

JOSE MARIANO SERRENO, pres't.

And by 47 other representatives.

Hall of Representatives, Aug. 6, 1825.

#### CAPITULATION OF AYACUCHO.

*Don Jose Canterac*, lieutenant general of the royal armies of his catholic majesty, being charged with the supreme command of Peru, in the absence of his excellency, the vice king D. Jose la Serna, wounded and taken prisoner in the battle fought this day, after having taken the advices of the generals and chiefs, re-united after the bloody battle of Ayacucho, &c. &c. has thought it convenient to propose and to regulate with the general of division, Antonio Jose de Sucre, commanding in chief the united army of Peru, the conditions contained in the following articles:—

*First.* The territory, garrisoned by the Spanish troops in Peru, as far as the Desaguadero, shall be delivered to the united liberating army, with the parks of artillery, chests, and all the military magazines.

*Answer.* Granted: and will also be included in the delivery all the remainder of the Spanish army, the baggages and horses, the garrisons remaining in any part of the territory, and other forces and articles belonging to the Spanish government.

*Second.* Every individual belong-

ing to the Spanish army will be at liberty to return to his country, and his passage will be defrayed by the state of Peru—meanwhile he shall be treated with due consideration, and will receive, at least, one half of his pay, according to his grade, during his stay in the territory.

*Answer.* Granted: but the government of Peru, will only grant the half pay according to proportionate regulations for the transportation. Those who will return to Spain, will not carry arms against America, during the war of the independence; and no one will go into any part of America occupied by the Spanish armies.

*Third.* Any individual belonging to the Spanish army, wishing to enlist in the army of Peru, will enjoy his former grade.

*Answer.* Granted.

*Fourth.* No one shall be accountable for his former opinions, nor for his particular services in the king's cause, nor those known as smugglers: in this particular they will be entitled to the rights of all the articles of this treaty.

*Answer.* Granted: if, by their conduct, they do not disturb the public order, and if they conform to the laws.

**Fifth.** Any inhabitant of Peru, either European or American, ecclesiastic or merchant, land-owner or workman, wishing to remove to another country, will be at liberty so to do, by virtue of this convention, and to take with him his family and property—he will be protected by the state until his departure, and if he prefers to remain, he will be considered a Peruvian.

**Answer.** Granted: with regard to the inhabitants of the country to be delivered, and agreeably to the conditions mentioned in the preceding article.

**Sixth.** The state of Peru will also respect the property of the Spaniards who may be absent from the territory—they will be at liberty, for the period of three years, to dispose of their property, which will be considered in the same point of view as that of Americans, unwilling to go to the peninsula, although they may have property in that country.

**Answer.** Granted: as in the preceding article, provided the conduct of these individuals will, in no way, be hostile to the cause of the freedom and independence of America—in the event of which, the government of Peru reserves to itself the privilege of acting freely and discretionary.

**Seventh.** The term of one year will be granted to all the interested parties, in order to avail themselves of the stipulations embraced in the fifth article—their property will be subjected to the ordinary duties, but that of individuals belonging to the army to be free of duties.

**Answer.** Granted.

**Eighth.** The state of Peru will acknowledge the debts contracted by the administration of the Spanish

government in the territory thereof, to the present day.

**Answer.** The congress of Peru will decide with regard to this article, what will be most convenient to the interests of the republic.

**Ninth.** All the individuals employed in public offices, will be continued therein, if it be their desire; otherwise, those preferring to leave the country will be comprehended under the articles 2d and 5th.

**Answer.** Those of the meritorious will be continued in their offices if the government should think proper.

**Tenth.** Every individual belonging to the army, or in the government's employ, who may wish to be erased from the rolls and to remain in the country, will be at liberty so to do; and in that case their persons will be respected.

**Answer.** Granted.

**Eleventh.** The town of Callao will be delivered to the united liberating army, and its garrison will be included in the articles of this treaty.

**Answer.** Granted: but the town of Callao, with all her colors and military articles, shall be delivered to the liberator, and be subject to his disposal on or before twenty days.

**Twelfth.** Superior officers of both armies will be sent to the provinces for the purpose of delivering and receiving the archives, magazines, appurtenances, and the troops, deposited in, and stationed at, the different garrisons.

**Answer.** Granted: the same formalities will be observed at the delivery of Callao. The provinces will be delivered to the independent authorities in fifteen days, and the places the most remote in all the present month.



*Thirteenth.* The vessels of war and merchantmen in the ports of Peru, will be allowed the term of six months, from the date of the ratification of this treaty, to get their stores and provisions on board, to enable them to depart from the Pacific.

*Answer.* Granted: but the ships of war will only be permitted to make preparations for their voyage, without committing any act of hostility, either *there* or on quitting the Pacific—they being obliged to leave all the seas of America without touching at any port of Chili, or any other port in America, which may be occupied by the Spaniards.

*Fourteenth.* Passports will be granted to the ships of war and merchantmen for their uninterrupted navigation from the Pacific to their ports in Europe.

*Answer.* Granted: agreeably to the preceding article.

*Fifteenth.* All the chiefs and officers made prisoners at the battle of this day, will be set at liberty from this moment, as well as the prisoners taken in anterior actions by either of the armies.

*Answer.* Granted: and the wounded will be taken care of until they shall be able to dispose of themselves.

*Sixteenth.* The generals, chiefs and officers, will retain the use of their uniforms and their swords—and will also retain in their service such assistants as correspond with their rank, and their servants.

*Answer.* Granted: but, during their stay in the territory, they will submit to the laws of the country.

*Seventeenth.* To those individuals of the army who may have come to the determination, with regard to their future destination, agreeably to this treaty, leave will be granted them to re-unite with their families their other interests, and to remove to the place they may have chosen; in which case they will be furnished with passports so that they may not be molested in any of the independent states until their arrival at their places of destination.

*Answer.* Granted.

*Eighteenth.* Any doubt that may arise in the stipulations of the articles of the present treaty, will be interpreted in favor of the individuals of the Spanish army.

*Answer.* Granted: this stipulation will depend on the good faith of the contracting parties.

And having concluded and ratified this treaty, which is hereby approved, there will be made four copies of the same, two of which will remain in the power of each of the parties whose signatures are hereto affixed, &c.

Delivered and signed, with our hands, on the field of Ayacucho, the 9th of December, 1824.

JOSE CANTERAC,

ANTONIO JOSE DE SUCRE.

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#### BUENOS AYRES.

*MESSAGE of the GOVERNOR of BUENOS AYRES to the 5th Congress.*

Gentlemen—Great events have transpired during the period of your recess. On assembling again, according to law and custom, you witness the reality of what you were anxiously expecting the past year.



The liberating army of Peru has dissolved all the materials of Spanish power consolidated in the heart of the Andes, and dissipated their illusions. The independence of the American continent is no longer disputed. The act, by which Great Britain has just recognized it, is another memorable event; because it shows the triumph of the principles which establish the legitimacy of our rights against the overbearing alliance of the ancient aristocracy of Europe. Finally, the provinces of Rio de la Plata are incorporated into a national compact. The general congress, well advised of the situation of each of them, has taken proper steps, sanctioned the fundamental law, which will soon be laid before you. You will see, gentlemen, the same spirit shining within it, as in those laws which you enacted on the 13th of November, 1824. Experience has shown that they are the most suitable to guarantee a union which could not be anticipated but by the sanction of a law.

The governor has provided from the treasury of the province for the expenses of defence and national organization, in the manner which will be presented to you. He hopes to meet your approbation; because it has been done conformably to your express wishes. But he would have wished to avoid the necessity of taking upon himself the discretionary charge of the executive power, in order not to expose himself to the danger of fostering prejudices which can be cured only by time and a progressive civilization.

The congress will no doubt hasten to remove this pretext of discontent, and the province will then confine itself to giving saluta-

ry examples of generous devotedness to their country's cause, and of unwearied attention to the amelioration of her institutions. Population and capital from all parts are encouraged. The increasing prosperity of our commerce, the activity of our industry, and the general welfare of our laboring population, will make the principles of our government every day more dear to us, as they will introduce into the less favored classes of society, that good feeling, that instinct of liberty and order, which disconcerts and derides the machinations of the ambitious. The ignorance of the people has always been their principal resource. To destroy this, you ordered the establishment of a considerable number of elementary schools in the city and country. It has been done; but the state and progress of those which were confided to the *benevolent society*, have answered all hopes, and will serve as a model and an incentive. The colleges have this year undergone some improvement. Exertions have been made to repress the spirit of insubordination, which the examples of lawlessness, during a long period of revolution and disorder, always disseminate. Youth, unaccustomed to any feelings of respect, will form men incapable of being free, of governing, or being governed, but by terror and violence. The university wants a constitution, which, giving it an existence worthy of its object, would offer a security that the sacrifices made for the establishment and preservation of classical instruction were productive. This matter is on the point of being concluded.

The frequency of crimes, and

especially in the country, is a palpable proof of the insufficiency of the existing law, and of the inconvenience of the actual form of proceeding. A form of law will be presented immediately to correct these evils, which ought not any longer to exist in the country. A committee is occupied on a mercantile code, and their labors will be presented to you this session. In order to establish the security of landed property, it has been necessary to define exactly the boundaries of each estate, by extricating them from the uncertainty in which they have hitherto been involved, destitute of the safeguards which alone are capable of affording a knowledge of lands in this country, level as the ocean. The topographical committee, organized and provided with every requisite, have already undertaken to set general boundaries, to serve as starting places for subsequent operations, and are preparing a chart in which each may see the boundaries of his property clearly defined.

The public works for the city are fast approaching completion. There is no doubt that a temple and a school in each village will be monuments erected to liberty. This plan has commenced operations: you will not refuse to vote, every year, a sum for an object so worthy. Civil and religious education will form the habits of a people truly free: it will render crimes more rare, coercion less necessary, to preserve peace and public order. The past year, you approved of the plan of erecting posts of security in the country, with the view of facilitating the administration of justice, and of rooting out those inhuman practices which want and wretched-

ness had introduced, for the security of those who may be the object of them. This year these works have been commenced, to which will be added the erection of suitable court houses in each district, where justice may be administered without the inconvenience attending the unsettled jurisdiction of justices of the peace.

The exertions made for the organization and recruiting of the provincial army have not been fruitless. It is improved in numbers and discipline. The veterans on the frontier have fulfilled their duty satisfactorily; but prudence requires not only the completion but the augmentation of their forces. The committee, entrusted with reforming the military penal code, adapting it to our institutions and necessities, will soon present their labors for your deliberation.

The receipts of the province have considerably increased during the past year, and have been amply sufficient for the expenses of the public service, both ordinary and extraordinary. The loan contracted for in London, has been transported hither to advantage, without any difference in exchange. It is hoped that the works for the harbor, to which it was chiefly destined, will realize their completion by means of private companies, and their own funds; in such case leaving free the other monies for other objects: in the mean time they may be productively employed, and our industry encouraged. All the documents relative to it will be seasonably brought forward. The machines and tools necessary in the coining of money are already completed, and a contract has been entered into, to

raise an establishment of the kind during the coming year.

Gentlemen—I congratulate you on your return to your honorable duties under auspices so flattering. There is great need of your co-operation. In the infancy of our national existence, and after so long a struggle, peace also has its dangers, and demands important sacrifices. The spirit of anarchy, disseminated in a thousand ways, may corrupt our institutions; and aristocracy, originating in the very revolution itself, will avail itself of every means to bring them into disrepute. Our situation at this important epoch, makes the examples you may offer in the exercise of your functions of transcendent importance. It is necessary to demonstrate that free institutions are not only the most proper to make a people prosperous and happy, but that they elevate their minds and inspire them with a boundless and irresistible energy in vindicating the national honor.

JUAN GREGORIO DE LAS HERAS.

MANUEL JOSE GARCIA.

Buenos Ayres, 18th May, 1825.

#### ADDRESS and LAW of Congress of BUENOS AYRES.

Buenos Ayres. July, 1825.

Power, the offspring of force and error, having first enchained person and property, proceeded to conquer through itself, gave immutable laws to the imagination and endeavoured to govern even the consolations of the heart. Knowledge dissipated the shadows and annihilated imposture. Liberty triumphed every where; the inviolability of persons and property was acknowledged as a vital principle of society. Nevertheless, the

most absurd, as well as the most frightful tyrannies, appear not to have been sufficiently felt, inasmuch as even, at this time, laws are applauded which presumptuously *tolerate* the right of thinking and of acting agreeably to conscience. The province would appear to descend from the point of civilization which it has attained, if it were to establish a law of toleration, or to pretend to grant a liberty, which the public authority was always obliged to protect; but, since the laws that formerly governed, rendered necessary an act to abolish them, and to give a solemn guarantee to persons who may wish to live in our society, the government has found no other way to do it with dignity than by the proposed law, which it has the honor to transmit for the consideration of the honorable representatives. This act, which will complete the liberty of the citizens, will not be less glorious than that which solemnly declared, in the same month, the independence of the republic.

HERAS,

MANUEL J. GARCIA.

*Proposed law—sole article.* The right, which every man has, to worship the Divinity agreeably to his own conscience, is inviolable in the territory of the province.

#### ADDRESS of the new Government of the BANDA ORIENTAL to the Con- gress of the UNITED PROVINCES OF LA PLATA, sitting at BUENOS AYRES.

##### SOVEREIGN CONSTITUENT CONGRESS.

The provisional government of the eastern province, in its present situation, finding the national representation assembled in the sovereign constituent congress, consi-

ders that the wishes of the "Orientals" will be accomplished, and that this province will soon be placed in the rank which her misfortunes and sufferings for liberty have deserved. The provisional government would begin by manifesting its respect for the sovereign congress, presenting for its high consideration the proceedings of the day on which it was installed. This document, which comprehends a memorial presented to the government by the commander in chief of the army, will afford the sovereign congress all information relating to the state of the province up to the present time.

The provisional government, at the moment of its installation, has chosen to give this province the same form with the others of the nation; and therefore has hastened to convoke its provincial representation, that from this legitimate body the province may receive its government and institutions. It considers the object of its wishes

already attained; for it counts, more than on its own resources, on receiving the powerful and respectable influence of the national representation, to which its deputies will soon be united. The Orientals hope thus much from the sovereign congress, and expect it with justice, recalling the public engagements of that body.

The provisional government believes that it has performed its first obligations with the necessary promptitude, and that it will complete its duty by presenting you with its homage, respect and obedience.

[Signed]

Senor MANUEL CALLEJAS,  
MANUEL DURAN,  
LORETO DE GOMENSORO,  
FRANCISCO JOAQUIN MUNOS,  
JUAN JOSE VAZQUEZ, and  
FRANCISCO ARANCHO, secretary,  
*To the sovereign constituent congress of the United Provinces of Rio de la Plata.*  
ARANCHO.

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**LETTER from M. GARCIA, to the Brazilian Secretary for Foreign Affairs.**

Buenos Ayres, Nov. 4, 1825.

The undersigned, secretary of state in the department of foreign affairs of the republic of the United Provinces of La Plata, authorised especially by his government, has the honor to address his excellency the minister of state for foreign affairs of the empire of Brazil, to apprise him, that the inhabitants of the eastern province, having recovered, by their own efforts, the freedom of the territory occupied by the forces of his imperial majesty, and after establishing a regular government for the

administration of the province, have solemnly declared null the acts of proceedings by which it was attempted to annex that country to the empire of Brazil; and further, have announced "that their general, constant, and decided wish has been for a union with the other argentine provinces to which they have always belonged by the most sacred ties known to the world;" the general congress of the United Provinces, to whom this declaration was transmitted, could not, without injustice to itself, abstain from the ex-

ercise of a right which was always indisputable, nor leave to their fate, at the mercy of events, an armed, courageous, and exasperated population, capable of proceeding to all extremities in defence of their rights.

On this account it was, that at the sitting of the 25th of October last, the congress decreed thus : " In conformity with the general and constant wish of the provinces of the state, and that which the oriental provinces has deliberately repeated, by the legitimate organ of its representatives in the law of the 25th of August of the present year, the congress, in the name of the communities which it represents, declares the said province to be re-incorporated in fact with the republic of the United Provinces of Rio de la Plata, to which it has of right belonged, and desires to belong."

By this solemn declaration, the general government is pledged to provide for the defence and security of the eastern province. It will fulfil this pledge by all the means in its power, and by the same will expedite the evacuation of the only two military posts which are still held by the troops of his imperial majesty.

The undersigned is at the same time authorised to declare, that, in

this new situation, the government of the United Provinces retains the same spirit of moderation and justice that has served as the basis of its policy, and guided the endeavors which it has heretofore made in vain, to obtain restitution of the oriental province by amicable negotiation, a spirit of which it will give fresh proofs as often as its dignity will allow it so to do. In any event, it will strike only in self defence, and to recover the occupied posts ; its aim being simply to maintain the integrity of the territory of the United Provinces, and solemnly guaranty for the future, inviolability of their limits against force or seduction.

Under such circumstances, and after having made known to your excellency the intentions and wishes of the government of the United Provinces of Rio de la Plata, it remains for the undersigned to add that the establishment of a peace, exceedingly precious for the contiguous states, and even for the whole continent, will depend solely on the will of his imperial majesty.

The undersigned salutes your excellency.

MANUEL J. GARCIA.

To the Minister of Foreign  
Affairs of the Empire of  
Brazil.

## BRAZIL.

*The "Diario de Rio de Janeiro," of Dec. 27, contains the following decree or Declaration of War, by the Emperor.*

The government of the United Provinces of Rio de la Plata, having committed acts of hostility against this empire without provocation or previous formal declaration of war, rejecting thus the forms established among civilized nations, as required by the dignity of the Brazilian people, and the rank which belongs to us among powers, that I, having heard my council of state, should declare, as I now do, WAR against the said provinces and their government; directing that by sea and land, all possible hostilities be waged upon them; authorising such armaments as my subjects may please to use against that nation; declaring that all captures or prizes of whatever nature, shall accrue entirely to the captors, without any deduction in favor of the public treasury. [Follows the regulation for the publication and distribution of the decree.]

Rio de Janeiro, 10th December, 1825; fourth year of the independence and the empire.

## PROCLAMATION,

*Of his majesty, DON PEDRO 1st, emperor of the BRAZILS, given at RIO JANEIRO, at the review on the 16th of November, 1825.*

Fellow companions.—What a field of glory is now opened! Where would be the soldier who dares not hasten to it? What Brazilian, of even in the most distant province, would not wish to support his promises, the existence of the monarchy, and the integrity of this colossal empire, which once frightened the whole known world.

Can it be possible, O! eternal

Lord! that thou consentest that the rebels should triumph over an empire of the holy cross? No, thou art not unjust.

Fear nothing, then, fellow-companions, assisted by the hand of our Lord—nor lose a moment of time, to take up your arms against the enemy of the empire!

Or are we, perhaps, not the same Brazilians who declared the independence? Separating, could we be the same who fought once against the Portuguese and drove from our territory 14,000 of their troops? We are the same, and, if possible, still more valiant and more enterprising!

Let us prove, then, fellow-companions, that we have not left off to be Brazilians, when appearing in the battle, and that the 19 imperial stars shall always exist united.

The province of Rio Grande wants help which animates its inhabitants, which assists them and which shows them, that in their sovereign they have a wise, careful, and loving father, who looks out to protect them against the horrors, which, as he thinks, hang over them like a showery cloud.

What greater glory can there be for a soldier than to show himself useful to his country, and to risk his life for it! Will not the revenger of the national honor still be blest by the following generation?

Do not think, fellow-companions, that I speak to you to enthusiast you—no, enthusiasm is born with a Brazilian soldier, and that is his staff! No, I speak to



you to make known the necessity which obliges me, if even with all the feelings of my imperial heart, to separate some of you from your families, and from me who loves you so much !

Let us go then, fellow-companions, the national honor, which is offended, calls—and the world will say—long live the Brazilian troops.  
(Signed) **EMPEROR.**

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**TREATY made between his imperial majesty and his most faithful majesty, on the recognition of the empire of BRAZIL, August 29, 1825, and ratified by his imperial majesty the day after.**

IN THE NAME OF THE MOST HOLY AND INDIVISIBLE TRINITY.

His most faithful majesty, constantly cherishing in his royal mind the most lively wishes to re-establish peace, friendship and harmony between kindred nations, whom the most sacred ties should conciliate and unite in perpetual alliance ; to accomplish those important ends, promote general prosperity, assure political existence, and the future destinies of Portugal as well as Brazil ; and desirous of removing at once, all obstacles which might impede the said alliance, concord, and happiness of both states, by his decree, (diploma,) of the 13th May of the current year, recognizes Brazil as an independent empire, and separated from the kingdoms of Portugal and Algarves, and his pre-eminently beloved and valued son *Don Pedro*, as emperor, and freely ceding and transferring the sovereignty of the said empire to his said son, and his legitimate successors, and taking only and reserving for his own person the same title.

And these august sovereigns accepting the mediation of his Britannic majesty for the adjustment of every question incident to the separation of the two states, have nominated plenipotentiaries ; to wit : (Here follow the names and titles of the plenipotentiaries nomi-

nated by his imperial majesty.)

His most faithful majesty has nominated the most illustrious and excellent knight, *sir Charles Stuart*, privy councillor of his Britannic majesty, &c.

And the said plenipotentiaries having seen and exchanged their respective powers, have agreed, in conformity with the principles expressed in this preamble, that the present treaty be formed.

Article 1st. His most faithful majesty recognizes Brazil as an independent empire, and separated from the kingdoms of Portugal and Algarves, and his pre-eminently beloved and valued son as emperor, ceding, and of his free will transferring, the sovereignty of the said empire to his said son and his legitimate successors, his faithful majesty taking only, and reserving for his own person, the same title.

Art. 2d. His imperial majesty, as an acknowledgement of respect and love for his august father and lord, Don John VI., consents that his most faithful majesty shall take for himself the title of emperor.

Art. 3d. His imperial majesty promises not to admit propositions from any Portuguese colonies to unite themselves to the empire of Brazil.

Art. 4th. Henceforth, there shall



be peace and alliance, and the most perfect friendship between the empire of Brazil and the kingdoms of Portugal and Algarves, with a complete oblivion of past feuds between the respective powers.

Art. 5th. The subjects of the two nations, Brazillian and Portuguese, shall be considered and treated in the respective states, as those of the most favored and friendly nation, and their rights and property shall be religiously observed and protected, it remaining understood that the actual possessors of real estates shall be maintained in the peaceful possession of the same.

Art. 6th. All real or moveable property, or property in funds, sequestered or confiscated, belonging to the subjects of the two sovereigns of Brazil and Portugal, shall be forthwith restored, as well as their past revenues, the expenses of administration be deducted, or their owners reciprocally indemnified in the manner specified in the 8th article.

Art. 7th. All vessels and cargoes seized, belonging to the subjects of the two sovereigns, shall be in like sort restored, or their owners indemnified.

Art. 8th. A commission, nominated by the two governments, composed of Brazilians and Portuguese in equal numbers, and established where the respective governments shall deem most convenient, shall be charged with investigating the matters of the sixth and seventh articles; it being un-

derstood that the claims shall be preferred within the term of a year from the formation of the commission, and that in case of an equal division in opinion, the point shall be decided by the representative of the mediating sovereign. Both governments will designate the funds from which the first claims liquidated are to be paid.

Art. 9th. All the public demands or reclamations of government on government, shall be mutually received and decided, either with restitution of the objects claimed, or with indemnity of the precise amount. For the adjustment of such claims, both the high contracting parties agree to conclude a direct and special convention.

Art. 10th. The relations of commerce shall be immediately re-established between the two nations, the Brazilians and Portuguese; all merchandise paying reciprocally fifteen per cent. in duties of consumption provisionally; the duties on exportation and re-exportation remaining as before the separation.

Art. 11. Ratifications of the present treaty shall be exchanged in the city of Lisbon within the space of five months, or sooner, if possible, computed from the day of signing the present treaty.

In testimony of which, we, the undersigned plenipotentiaries, &c.

CHARLES STUART.

LUIZ JOZE DE CARVALHO E MELLO.

BARAM DE SANTO AMARO.

FRANCISCO VILELLA BARBOSA.

**SPEECH of his Majesty the Emperor of BRAZIL, delivered in the Senate Chamber, on the 6th of May, 1826, at the opening of the National Assembly.**

*August and most dignified Representatives of the Brazilian nation*—For the second time I have the pleasure of presenting myself before you, at the opening of the national assembly. I infinitely regret that it has not been opened on the day marked out by the constitution, after the government had contributed on its part as far as it could to avoid a postponement of the law.

On the 12th November, 1823, I dissolved the constituent assembly, painful as it was, and from motives which are not unknown to you. I, at the same time, promised the project of a constitution; this was accepted, and sworn to, and this day it is the political constitution which reigns in this empire, and in virtue of which this assembly is re-united.

The harmony which it is desired should exist among political departments, prevails in this constitution in the best possible manner. The whole empire is tranquil, except the province of Cisplatina. The continuation of this quiet, the necessity of the constitutional system, and the desire which I have that the empire be governed by it, point at the harmony that should guide the senate and the chamber of deputies, and also the government and both chambers; and that all may be persuaded that revolutions are not the fruit of this system, but of those persons who, under its shade, seek to put in practice their own private ends.

The Cisplatina province, as I have already said, is the only one not in a state of quiet, for *there* have revolted ungrateful men, who

owe much to Brazil, and who are now aided by the government of Buenos Ayres, which is actually struggling against us.

The national honor demands that the Cisplatina province should be sustained, for the integrity of the empire is sworn to.

On the 15th November of last year, the independence of Brazil was recognized by my august father, Don John the sixth, of glorious memory, which was followed by that of Austria, England, Sweden, and France, the same having been done long before by the United States of America.

On the 24th April, of the present year, the anniversary of the embarkation of my father, Don John sixth, for Portugal, I received the unfortunate and unexpected intelligence of his death.

The most poignant pain has possessed my heart. Finding myself, when least expected, the legitimate king of Portugal, Algarves, and their dominions, the course which I ought to pursue is presented to me suddenly. Grief and the sense of duty alternately occupying my soul; but putting all other considerations aside, I look to the interests of Brazil. Attending to my word, I shall sustain my honor; I am free to congratulate Portugal; and it would be indecorous of me not to do so. What would not be the affliction tormenting my soul when seeking the congratulations of the Portuguese nation, without offending the Brazilian, and of separating them, (although already separated,) that they should never again be united!

I have confirmed the regency in

Portugal, which my father had created. I have given an amnesty. I have given a constitution. I have abdicated and ceded all the indisputable and irrefragible rights which belonged to the monarchical crown of Portugal, and the sovereignty of those kingdoms, to the person of my much beloved and dear daughter, the *princess Donna Maria da Gloria*, now *Donna Maria the second, queen of Portugal*. This was proper for my honor and the good of Brazil. Thus some Brazilians, though incredulous, will know, (what they ought to have known,) that the interests of Brazil, and the love of her independence, are strong in me; that I have abdicated the crown of the Portuguese monarchy, which by indisputable right belonged to me, only because at a future day it might not compromise the interests of Brazil, of which I am the perpetual defender.

It will merit your most sedulous care to provide for the education of the youth of both sexes, for the public revenue, all other public es-

tablishments, and first of all, the formation of judicious laws, as well as the repeal of others directly opposed to the constitution, that by this we may be guided and exactly regulated. The most part of the senators and deputies, who compose this assembly, must well recollect the evils which some nations have suffered from a want of that respect due to the constituted authorities, when these have been attacked and menaced, instead of being proceeded against according to law and universal justice.

I well know that these, my reflections, are not necessary before this assembly, composed as it is of such dignified senators and deputies; but they will serve as an assurance of the zeal, love, and interest which I really take in the Brazilian empire, and in the observance of its constitution. Much more could I recommend to you, but I deem it unnecessary on my part.

CONSTITUTIONAL EMPEROR,  
*And perpetual defender of Brazil.*

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#### THE CHEVALIER DE GAMEIRO TO MR. HURTADO.

[TRANSLATION.]

Park Crescent, 30th October. 1825.

Sir—I fulfil to day, a very agreeable duty, in announcing to you, that the emperor, my master, to whom I made known the note which you addressed to me on the 7th June last, has been pleased to accept the formal invitation which the government of Colombia gave to him; that Brazil should join the other states of America about to assemble at Panama, to arrange in common their mutual relations, and fix their respective political and commercial system.

The policy of the emperor is so generous and benevolent, that he will always be ready to contribute to the repose, the happiness and the glory of America. And as soon as the negotiation relative to the recognition of the empire shall be honorably terminated at Rio de Janeiro, he will send a plenipotentiary to the congress, to take part in the deliberations of general interest which shall be compatible with the strict neutrality which he observes between the belligerent state of America and Spain.

Such, sir, is the answer which I

am to make you, adding that the emperor appreciates the friendship of the Colombian government, and it will give him pleasure to cultivate it. Happy to be the organ of the sentiments of my august master, I pray you to accept the renewed assurances of the high consideration

with which I have the honor to be, your most humble and obedient servant,

THE CHEVALIER DE GAMEIRO.  
*His Excellency, MR. HURTADO,*  
*Minister Plenipotentiary of the*  
*Republic of Colombia, London.*  
 J. M. GOMERIA, Secretary of Legation.

## CHILI.

### *Exposition made by a majority of the CHILIAN Congress, of the causes that induced its dissolution.*

The respect due to the opinions of men, and the responsibility of the high trust of representing the rights of the people, oblige the undersigned to publish their reasons for the communication made to the executive on the 15th instant.

We make this representation, for the benefit of those citizens of the republic, who did not witness the disgraceful scenes on the nights of the 12th, 13th, 14th, and 15th.

This capital, which has been the theatre of these occurrences, would excuse us the labor. It was as sensible as ourselves, of the necessity of arresting a disorder which threatened the utmost excesses. Our interference, operating with its wishes, restored tranquillity to the place, and dispelled from the imagination of the citizens, the frightful image of a revolution which had already broke forth. Armed citizens, at the bar of congress, shouting tumultuously, others outside, invoking the omnipotence of the people, and clamors within the hall, for the expulsion of a member who had addressed the citizens in a manner unpleasant to them, were circumstances, considered by men enlightened by ex-

perience or history, as the flash preceding the bolt, or rather as anarchy fully exhibited. There were only wanting tribunes of the people demanding their victims, and that the national legislature should find them guilty of crime.

The sanctuary of law being profaned, and the majesty of the people being violated in the persons of their representatives, many of the subscribing deputies requested of the president a full and extraordinary meeting of the house, to consider upon the suspension of its sessions.

The incidents of previous nights made precautions absolutely necessary. The house, from this consideration, resolved to meet in secret session: but their deliberations were interrupted by a body of people, who thronged to the doors of the congress, with threats and vociferations.

The house adjourned till 10 o'clock of the next morning, and directed the principal doors to be kept closed, that the hall might not be occupied by anticipation. The disorder without, was less alarming during the session, but the like spirit seemed to have penetrated the hall itself. We may be permitted,

in honor to the country, to pass silently the occurrences which took place within the house on that day. They were such, that the undersigned, abandoning all hope of a central assembly, declared their absolute separation, and retired to communicate it to their constituents, and resolved, unanimously, to notify the executive, recommending to him the public peace, so greatly disturbed.

Our object in this short exposition, is to prevent the astonishment of those who, without a knowledge of the facts, have been apprised of the dissolution of the congress.

We believe that honorable men will appreciate our motives, and approve a beneficial resolution.

Our regret is sincere, that the legislature has left the republic unprovided with important laws. We are, however, consoled with the reflection, that the government will speedily restore the representation, and that the people will be convinced, notwithstanding the unfortunate results of former congresses, that they are the only source of felicity to the republic.

*Signed by nineteen deputies.*

Santiago, May 16, 1825.

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## CENTRAL AMERICA.

### ABOLISHMENT OF SLAVERY.

The general assembly of the United Provinces of Central America, conceiving that the system of government adopted by this republic, would differ in nothing from that heretofore imposed by Spain, were not the principles of liberty, equality, and justice, to be extended to every citizen of these states; and believing that it would be unjust in a free government to suffer a portion of our fellow men to remain in slavery, and not to restore them to their natural condition, the possession of liberty, and wishing at the same time to indemnify the owners of slaves for their emancipation, has passed the following decree:—

1. From the publication of this law, all slaves, of every age and sex, in every part of the confederated states of Central America, shall be free; and, hereafter, shall no persons be born slaves.

2. No person born or naturalized in these states, shall hold another in slavery under any pretext, nor traf-

fic in slaves within, or out of these states. In the first case, the slaves shall become free; and in both, the trader shall loose the rights of citizenship.

3. No foreigner engaged in this traffic, shall be admitted within these states.

4. The regulations and orders of the Spanish government, giving freedom to those slaves who shall escape to these states from others, to regain their liberty, shall be preserved in force; observing, however, the stipulations on this subject, by public treaties.

5. Each province of the confederation, respectfully, shall indemnify the owners of the slaves, after the following manner:

“ 1. The owners of slaves under twelve years, who may claim indemnity for the parents of these slaves, shall have no claim on account of their emancipation. If indemnity be made for the father or mother alone, of the said slaves,

they shall be paid for, at half their just valuation. Persons, who may have liberated the parents of such slaves under twelve years, shall be indemnified for them, at their full value. Those who shall have acquired such slaves by purchase, shall receive indemnity for them, at their proper value, as for slaves above twelve years of age.

“2. For slaves above the age of twelve years, indemnity shall be made as provided by regulations to be formed for this object.

“3. No indemnity shall be allowed for slaves above fifty years of age.”

6. In every province, a fund shall be created from duties to be imposed for the special purpose of indem-

nifying the owners of slaves. The collection and management of these funds shall belong to the *junta* of *indemnification* which shall be established in each province, under the regulations to be enacted.

7. Every owner of slaves, who, after the publication of this law, at the place or town where they reside, shall compel them to any service, or shall prevent them from applying to the nearest municipality of their document of liberation, shall be tried and punished, as provided for in the case of those who conspire against personal liberty; and they shall, moreover, be subjected to the loss of the indemnity for the value of the slave, who shall be so treated.

## HAYTI.

### PROCLAMATION of JOHN PIERRE BOYER, PRESIDENT of HAYTI.

A long oppression had borne down Hayti: Your courage, and your heroic efforts raised her, twenty years since, from degradation to the rank of independent nations. But your glory demanded one other triumph. The French flag, coming this day to salute the land of liberty, consecrates the legitimacy of your emancipation. It was reserved to the monarch of France, not less religious than great, to signalize his advancement to the crown by an act of justice, which at once adds brilliancy to the throne from whence it emanates, and to the nation which is its object.

Haytiens! A special ordinance of his majesty, Charles X., dated 17th April last, recognizes the full and entire independence of your government. This authentic act, by adding the formality of law to

the political existence which you have already acquired, will give you that rank in the world, in which you have been placed, and to which Divine Providence calls you.

Citizens! Commerce and agriculture will now be greatly extended. The arts and sciences, which rejoice in peace, will be highly improved, to embellish your new situation with all the benefits of civilization. Continue, by your attachment to national institutions, and above all, to your union, to be the terror of those who would desire to disturb you in the just and peaceable enjoyment of your rights.

Soldiers! You have merited well of your country. Under all circumstances, you have been ready to combat for her defence. The fidelity of which you have given so many proofs to the commander of



the nation, is the most glorious recompense for his constant solicitude for the prosperity and glory of the republic.

Haytiens! Show yourselves worthy of the honorable place which you occupy amongst the nations of the earth. More happy than your fathers, who left you only the legacy of an awful fate, you shall bequeath to your posterity the most glorious heritage which they can desire—

internal harmony, and external peace, a flourishing and respected country.

Live forever, liberty, liberty!

Live forever independence!

Given at the national palace, Port-au-Prince, 11th July, 1825, and twenty-second year of independence.

BOYER, *President*.

B. Inginac, *Secretary General*.

### NOTICE from the Office of the SECRETARY GENERAL of HAYTI.

The government of the republic, in offering an asylum to the African descendants who exist in the United States deprived of all civil rights, did it not so much for its own, as for that of this oppressed people. Its munificence, indeed, has extended not only to the encouragement of emigration to Hayti, but the entire expense of it has also been defrayed.

It was not, therefore, to have been expected, that a base speculation would have been made of the transportation of emigrants to Hayti from the United States, and that among captains of vessels, as well as among the emigrants themselves, there would have been found persons so demoralized as to violate their good faith. Yet it cannot be denied, that captains, not satisfied with having persuaded emigrants who had settled in the republic, to return to the United States, have even shared with them the profits of the speculation.

How many persons have been known to have demanded the means of returning before they had scarcely debarked, and before the expiration of the four months for which rations had been granted

by the state? Were it necessary to offer new proofs of the concert of a large number of emigrants with captains of vessels, we would state, that several families, which arrived in the Olive Branch, on the 4th inst. demanded their permission to return three days after they had landed. These emigrants are so completely destitute, as to require that the republic should pay, not only the expense of their passage, but also that of their removal from the interior to the ports of the United States where they embark. How then could this speculation take place, were not these emigrants interested in the scheme?

Wishing, therefore, to suppress this fraudulent practice, which draws considerably from the public treasury without accomplishing the object proposed, all captains of United States vessels, and others, who shall convey emigrants to Hayti, are hereby notified, that the government of the republic will not defray any expense for the passages of said emigrants after the 15th June, 1825.

The emigration societies that have been formed in the United



States, are also notified, that after the above date, no allowance will be made to them by the government for any aid rendered to emigrants; and that, hereafter, they will only be entitled to four months' provisions, and a lot of ground for

cultivation, the property of which they may acquire, after having paid its value.

By authority. B. INGINAC,  
*Secretary General.*

Port-au-Prince, April 12, 1825.

## EUROPE.

### GREAT BRITAIN.

#### *SPEECH of the KING to the PARLIAMENT.*

My lords and gentlemen—We are commanded by his majesty to express to you the gratification which his majesty derives from the continuance and progressive increase of that public prosperity upon which his majesty congratulated you at the opening of the last session of parliament.

There never was a period in the history of this country, when all the great interests of the nation were, at the same time, in so thriving a condition, or when a feeling of content and satisfaction was more widely diffused throughout all classes of the British people.

It is no small addition to the gratification of his majesty, that Ireland is participating in the general prosperity.

The outrages, for the suppression of which extraordinary powers were confided to his majesty, have so far ceased, as to warrant the suspension of the exercise of those powers in most of the districts heretofore disturbed.

Industry and commercial enterprise are extending themselves in that part of the united kingdom.

It is, therefore, more to be regretted, that associations should exist in Ireland, which have adopt-

ed proceedings irreconcilable with the spirit of the constitution, and calculated, by exciting alarm and by exasperating animosities, to endanger the peace of society, and retard the course of national improvement.

His majesty relies upon your wisdom to consider, without delay, the means of applying a remedy to this evil.

His majesty further recommends to you, the renewal of the inquiries, instituted last session, into the state of Ireland.

His majesty has seen, with regret, the interruption of tranquillity in India, by the unprovoked aggression and extravagant pretensions of the Burmese government, which rendered hostile operations, against that state, unavoidable.

It is, however, satisfactory to find, that none of the other native powers have manifested any unfriendly disposition, and that the bravery and conduct displayed by the forces already employed against the enemy, afford the most favorable prospect of a successful termination of the contest.

Gentlemen of the house of commons—His majesty has directed us to inform you, that the estimates of

the year will be, forthwith, laid before you.

The state of his majesty's Indian possessions, and circumstances connected with other parts of his majesty's foreign dominions, will render some augmentation, in his military establishment, indispensable. His majesty, however, has the sincere gratification of believing, that, notwithstanding the increase of expense, arising out of this augmentation, such is the flourishing condition, and progressive improvement of the revenue, that it will still be in your power, without affecting public credit, to give additional facilities to the national industry, and to make a further reduction in the burthens of his people.

My lords and gentlemen—His majesty commands us to inform you, that his majesty continues to receive from his allies, and generally, from all princes and states, assurances of their unabated desire to maintain and cultivate the relations of peace with his majesty, and with each other, and that it is his majesty's constant endeavor to preserve the general tranquillity.

The negotiations which have been so long carried on, through his majesty's ambassador at Constantinople, between the emperor of Russia and the Ottoman Porte, have been brought to an amicable issue.

His majesty has directed to be laid before you, copies of arrangements which have been entered into with the kingdoms of Denmark and Hanover, for improving the commercial intercourse between those states and the united kingdom.

A treaty, having for its object the more effectual suppression of

the slave trade, has been concluded between his majesty and the king of Sweden ; a copy of which treaty, as soon as the ratification shall have been exchanged, his majesty will direct to be laid before you.

Some difficulties have arisen with respect to the ratification of the treaty for the same object, which was negotiated last year between his majesty and the United States of America. These difficulties, however, his majesty trusts, will not finally impede the conclusion of so beneficial an arrangement.

In conformity to the declarations which have been repeatedly made in his majesty's name, his majesty has taken measures for confirming, by treaties, the commercial relations already subsisting between this kingdom and those countries of America which appear to have established their separation from Spain. So soon as those treaties shall be completed, his majesty will direct copies of them to be laid before you.

His majesty commands us not to conclude without congratulating you upon the continued improvement in the state of the agricultural interest, the solid foundation of our national prosperity : nor without informing you that evident advantage has been derived from the relief which you have recently given to commerce by the removal of inconvenient restrictions.

His majesty recommends to you to persevere, (as circumstances may allow,) in the removal of similar restrictions—and his majesty directs us to assure you that you may rely upon his majesty's cordial co-operation in fostering and ex-

tending that commerce, which, whilst it is, under the blessing of Providence, a main source of strength and power to this coun-

try, contributes, in no less degree, to the happiness and civilization of mankind.

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GREAT BRITAIN AND IRELAND.

The parliament was prorogued, by commission, on the 6th July—when the lord chancellor read the following speech:—

My lords and gentlemen—The business of the session is now brought to a conclusion, we are commanded by his majesty to express the great satisfaction which he feels in releasing you from your laborious attendance in parliament.

His majesty returns you his warmest acknowledgments for the zeal and assiduity with which you have prosecuted the inquiries into the state of Ireland, which he recommended to you at the opening of the session.

It is a particular gratification to his majesty, that the tranquillity and improved condition of that part of the united kingdom, have rendered the extraordinary powers with which you had invested his majesty, no longer necessary for the public safety.

His majesty is happy to be able to announce to you, that he receives from all foreign powers the strongest assurance of their friendly disposition towards this country; and of their desire to maintain a general peace.

While his majesty regrets the continuance of the war in the East Indies with the Burmese government, he trusts that the gallant exertions of the British and native forces, employed in operations in the enemy's territory, may lead to a speedy and satisfactory termination of the contest.

Gentlemen of the house of commons—We have it in command from his majesty to thank you for the supplies which you have granted to him for the service of the present year; and, at the same time, to express the satisfaction which he derives from the reduction you have found it practicable to make in the burdens of his people.

My lords and gentlemen—His majesty has commanded us to assure you, that he is highly sensible of the advantages which must result from the measures you have adopted, in the course of this session, for extending the commerce of his subjects, by the removal of unnecessary and inconvenient restrictions, and from the beneficial relaxations which you have deemed it expedient to introduce into the colonial system of this country.

These measures, his majesty is persuaded, will evince to his subjects in those distant possessions the solicitude with which parliament watches over their welfare. They tend to cement and consolidate the interests of the colonies with those of the mother country; and his majesty confidently trusts, that they will contribute to promote that general and increasing prosperity, on which his majesty had the happiness of congratulating you on the opening of the present session, and which, by the blessing of Providence, continues to pervade every part of this kingdom.

**TREATY of Amity, Commerce and Navigation, between H. B. Majesty  
and the UNITED PROVINCES of Rio de la Plata.**

Art. 1st. There shall be perpetual amity between the dominions and subjects of his majesty, the king of the United Kingdom of Great Britain and Ireland, and the United Provinces of Rio de la Plata, and their inhabitants.

Art. 2d. There shall be, between all the territories of his Britannic majesty in Europe, and the territories of the United Provinces of Rio de la Plata, a reciprocal freedom of commerce: the inhabitants of the two countries, respectively, shall have liberty, freely and securely, to come, with their ships and cargoes, to all such places, ports and rivers, in the territories, aforesaid, to which other foreigners are or may be permitted to come, to enter into the same, and to remain and reside in any part of the said territories respectively; also, to hire and occupy houses and warehouses, for the purposes of their commerce; and, generally, the merchants and traders of each nation respectively, shall enjoy the most complete protection and security for their commerce; subject always to the laws and statutes of the two countries respectively.

Art. 3d. His majesty, the king of the United Kingdom of Great Britain and Ireland, engages further, that, in all his dominions situated out of Europe, the inhabitants of the United Provinces of Rio de la Plata, shall have the like liberty of commerce and navigation stipulated for in the preceding article, to the full extent, in which the same is permitted at present, or shall be permitted hereafter, to any other nation.

Art. 4th. No higher or other du-

ties shall be imposed on the importation, into the territories of his Britannic majesty, of any article of the growth, produce or manufacture of the United Provinces of Rio de la Plata, and no higher or other duties shall be imposed on the importation into the said United Provinces, of any articles of the growth, produce or manufacture of his Britannic majesty's dominions, than are or shall be payable on the like articles, being the growth, produce or manufacture of any other foreign country; nor shall any other or higher duties or charges be imposed, in the territories or dominions of either of the contracting parties, on the exportation of any articles to the territories or dominions of the other, than such as are or may be payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed upon the exportation or importation of any articles, the growth, produce or manufacture of his Britannic majesty's dominions, or of the said United Provinces, which shall not equally extend to all other nations.

Art. 5th. No higher or other dues or charges on account of tonnage, light or harbor dues, pilotage, salvage, in case of damage or shipwreck, or any other local charges, shall be imposed, in any of the ports of the said United Provinces, on British vessels, of the burthen of 120 tons, than those payable in the same ports, by vessels of the said United Provinces, of the same burthen; nor in the ports of any of his Britannic majesty's territories, of the vessels of the United Provinces, of above 120 tons, than

shall be payable in the same ports, on British vessels of the same burthen.

Art. 6th. The same duties shall be paid on the importation into the said United Provinces of any articles, the growth, produce or manufacture of his Britannic majesty's dominions, whether such importation shall be in vessels of the said United Provinces or in British vessels; and the same duties shall be paid on the importation into the dominions of his Britannic majesty of any article, of the growth, produce or manufacture of the said United Provinces, whether such importation shall be in British vessels or in vessels of the said United Provinces:—The same duties shall be paid, and the same drawbacks and bounties allowed, on the exportation of any articles of the growth, produce or manufacture of his Britannic majesty's dominions, to the said United Provinces, whether such exportation shall be in vessels of the said United Provinces, or in British vessels; and the same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation of any articles, the growth, produce or manufacture of the said United Provinces, to his Britannic majesty's dominions, whether such exportation shall be in British vessels, or in vessels of the said United Provinces.

Art. 7th. In order to avoid any misunderstanding, with respect to the regulations which may respectively constitute a British vessel, or a vessel of the said United Provinces, it is hereby agreed, that all vessels built in the dominions of his Britannic majesty, and owned, navigated and registered according to the laws of Great Britain, shall be considered as British vessels; and

that all vessels, built in the territories of the said United Provinces, properly registered and owned by the citizens thereof, or any of them, and whereof the master and three-fourths of the mariners, at least, are citizens of the said United Provinces, shall be considered as vessels of the said United Provinces.

Art. 8th. All merchants, commanders of ships and others, the subjects of his Britannic majesty, shall have the same liberty, in all the territories of the said United Provinces, as the natives thereof, to manage their own affairs themselves, or to commit them to the management of whomsoever they please, as broker, factor, agent or interpreter; nor shall they be obliged to employ any other persons for those purposes, nor to pay them any salary or remuneration, unless they shall choose to employ them; and absolute freedom shall be allowed, in all cases, to the buyer and seller, to bargain and fix the price of any goods, wares or merchandise, imported into, or exported from, the said United Provinces, as they shall see good.

Art. 9th. In whatever relates to the lading and unlading of ships, the safety of merchandise, goods and effects, the disposal of property of every sort and denomination, by sale, donation, or exchange, or in any other manner whatsoever, as also the administration of justice, the subjects and citizens of the two contracting parties shall enjoy, in their respective dominions, the same privileges, liberties and rights, as the most favored nation, and shall not be charged, in any of these respects, with any higher duties or imposts than those which are paid, or may be paid, by the native subjects or citizens of the

power in whose dominions they may be resident. They shall be exempted from all compulsory military service whatsoever, whether by sea or land, and from all forced loans, or military exactions or requisitions; neither shall they be compelled to pay any ordinary taxes, under any pretext whatsoever, greater than those that are paid by native subjects or citizens.

Art. 10th. It shall be free for each of the two contracting parties to appoint consuls for the protection of trade, to reside in the dominions and territories of the other party; but before any consul shall act as such, he shall, in the usual form, be approved and admitted by the government to which he is sent; and either of the contracting parties may except from the residence of consuls, such particular places as either of them may judge fit to be so excepted.

Art. 11th. For the better security of commerce between the subjects of his Britannic majesty and the inhabitants of the United Provinces of Rio de la Plata, it is agreed, that if, at any time, any interruption of friendly commercial intercourse, or any rupture should unfortunately take place between the two contracting parties, the subjects or citizens of either of the two contracting parties, residing in the dominions of the other, shall have the privilege of remaining and continuing their trade therein, without any manner of interruption, so long as they behave peaceably, and commit no offence against the laws; and their effects and property, whether entrusted to individuals or to the state, shall not be liable to seizure or sequestration, or to any other demands than those which may be made upon the like

effects or property belonging to the native inhabitants of the state in which such subjects or citizens may reside.

Art. 12th. The subjects of his Britannic majesty, residing in the United Provinces of Rio de la Plata, shall not be disturbed, persecuted or annoyed, on account of their religion, but they shall have perfect liberty of conscience therein, and to celebrate divine service, either within their own private houses, or in their own particular churches or chapels, which they shall be at liberty to build and maintain in convenient places, approved of by the government of the said United Provinces. Liberty shall also be granted to bury the subjects of his Britannic majesty who may die in the said United Provinces, in their own burial places, which, in the same manner, they may freely establish and maintain. In the like manner, the citizens of the said United Provinces shall enjoy, within all the dominions of his Britannic majesty, a perfect and unrestrained liberty of conscience, and of exercising their religion, publicly or privately, within their own dwelling houses, or in the chapels and places of worship appointed for that purpose, agreeably to the system of toleration established in the dominions of his said majesty.

Art. 13th. It shall be free for the subjects of his Britannic majesty, residing in the United Provinces of Rio de la Plata, to dispose of their property, of every description, by will or testament, as they may judge fit; and, in the event of any British subject dying without such will or testament, in the territories of the said United Provinces, the British consul-general, or in his



absence, his representative, shall have the right to nominate curators, to take charge of the property of the deceased, for the benefit of his lawful heirs and creditors, without interference, giving convenient notice thereof to the authorities of the country, and reciprocally.

Art. 14th. His Britannic majesty being extremely desirous of totally abolishing the slave trade, the United Provinces of Rio de la Plata engage to co-operate with his Britannic majesty, for the completion of so beneficent a work, and to prohibit all persons inhabiting within the said United Provinces, or subject to their jurisdiction, in

the most effectual manner, and by the most solemn laws, from taking any share in such trade.

Art. 15th. The present treaty shall be ratified, and the ratifications shall be exchanged in London within four months, or sooner, if possible.

In witness whereof, the respective plenipotentiaries have signed the same, and have affixed their seals thereunto.

Done at Buenos Ayres, the 2d day of February, A. D. 1825.

[L. s.] WOODBINE PARISH, H. M.  
*Consul General.*

[L. s.] MANL. J. GARCIA.

#### TREATY BETWEEN COLOMBIA AND GREAT BRITAIN.

*Treaty of Friendship, Commerce and Navigation, between the Republic of Colombia, and his Majesty the King of the United Kingdom of Great Britain and Ireland.\**

In the name of the most Holy Trinity.

Whereas extensive commercial relations have been established, for a series of years, between certain provinces or countries of America, which, united together, now form the republic of Colombia, and the dominions of his majesty the king of the United Kingdom of Great Britain and Ireland, it has been deemed advisable, as well for the security and encouragement of that commercial intercourse, as for the maintenance of that good understanding between his said majesty and the said republic, which now subsists between them, that those relations should be known and confirmed by means of a treaty of friendship, commerce, and navigation.

They have for this purpose mutually named their respective plenipotentiaries, viz: on the part of the vice-president, invested with the executive power of the republic of Colombia, Pedro Gual, secretary of state for the foreign affairs of the same, and general Pedro Briceno Mendez; and on the part of his majesty the king of Great Britain and Ireland, John Potter Hamilton, Esquire, and Patrick Campbell, Esquire, who, after having formally exchanged their respective full powers, have agreed to, and concluded the following articles:—

Art. 1. There shall be a lasting, firm, and sincere friendship between the republic and people of

\* This treaty has been translated from the Spanish, the original English copy not having been received.—*Editor.*



Colombia, and the dominions and subjects of his majesty the king of the United Kingdom of Great Britain and Ireland, his heirs and successors.

Art. 2. There shall be a reciprocal liberty of commerce between all the territories, of Colombia, and the territories of his Britannic majesty in Europe. The citizens and subjects of the two countries, respectively, shall have liberty to go, freely and securely, with their ships and cargoes, to all those parts, ports, and rivers, in the before-mentioned territories, where it is permitted, or may be permitted, for other foreigners to enter the same, and to remain and reside in any part of the said territories respectively, also to hire and occupy houses and warehouses for the purposes of their commerce: and generally, the merchants and traders of each nation respectively, shall enjoy the most complete protection and security in their commerce, always being subject to the laws and statutes of the two countries respectively.

Art. 3. His majesty the king of the United Kingdom of Great Britain and Ireland, engages furthermore, that the citizens of Colombia shall have the same liberty of commerce and navigation which has been stipulated in the foregoing article, in all his dominions situated out of Europe, as extensively as it is now permitted, or may hereafter be permitted, to any other nation.

Art. 4. No other or higher duties shall be imposed on the importation into the territories of Colombia of any articles, the natural produce, productions, or manufactures, of the dominions of his Britannic majesty, nor shall other

or higher duties be imposed on the importation into the territories of his Britannic majesty, of any articles, the natural produce, productions, or manufactures of Colombia, than what are paid, or may be paid, for similar articles, the natural produce, productions, or manufactures of any other foreign country; nor shall other or higher duties or imposts be levied in the territories or dominions of any of the contracting parties, on the exportation of any articles for the territories or dominions of the other than those which are paid, or may be paid for the exportation of the like articles for any other foreign country: nor shall any prohibition be imposed on the importation or exportation of any articles, the natural produce, productions, or manufactures of the dominions and territories of Colombia, or of his Britannic majesty, either for or from the said territories of Colombia, or for, or from the said territories of his Britannic majesty, that are not equally extended to all other nations.

Art. 5. No other or higher duties or imposts shall be levied on account of tonnage, light-house dues, or port-fees, (*pratique*,) salvage in case of damage or shipwreck, or any other local expenses in any of the ports in the territories of his Britannic majesty, on Colombian vessels, than the payments in the same ports by British vessels: nor in the ports of Colombia, on British vessels, than the payments in the same by Colombian vessels.

Art. 6. The same duties shall be paid on the importation into the dominions of his Britannic majesty of any articles, the natural produce, productions, or manufac-

tures of Colombia, whether that importation be made in British or Colombian vessels ; and the same duties shall be paid on the importation into the territories of Colombia of any articles, the natural produce, productions, or manufactures of the dominions of his Britannic majesty, whether that importation be made in Colombian or British vessels. The same duties shall be paid, and the same discount and bounties granted on the exportation of any articles, the natural produce, productions, or manufactures of Colombia for the dominions of his Britannic majesty, whether that importation be made in British or Colombian vessels. And the same duties shall be paid, and the same discount and bounties granted, on the exportation for Colombia of any articles, the natural produce, productions, or manufactures of the dominions of his Britannic majesty, whether that exportation be made in Colombian or British vessels.

Art. 7. To avoid any misunderstanding with respect to the regulations which may respectively constitute a Colombian or British vessel, it is hereby agreed, that all vessels built within the territories of Colombia, and belonging to a Colombian citizen or citizens, and whose captain and three fourth parts of the mariners, at the least, are citizens of Colombia, except in such extreme cases as are otherwise especially provided for by law, shall be considered as Colombian vessels : and all vessels built within the dominions of his Britannic majesty, and belonging to a British subject or subjects, and whose captain and three-fourth parts of the mariners, at the least, are British subjects, except in such extreme

cases as are otherwise especially provided for by law, shall be considered as British vessels.

Art. 8. All merchants, commanders of vessels, and other citizens and subjects of the republic of Colombia and of his Britannic majesty, shall have perfect liberty, in all the territories of both powers respectively, to act for themselves in the management of their own affairs, or confide them to the management of whomsoever they may please, as broker, factor, agent, or interpreter : nor shall they be obliged to employ any other persons whatever for those purposes, nor to pay them any salary or remuneration unless they wish so to employ them ; and absolute liberty shall be given in all cases to the purchaser and vender, to contract and fix the price of any effects, merchandise, or manufactures imported or exported from the territories of any of the two contracting parties, according as they shall themselves think proper.

Art. 9. In all that relates to the lading or unlading of vessels, the security of merchandise, manufactures, and effects, the inheritance of moveable goods, and the disposition of moveable property, of all kinds and denominations, by sale, gift, or exchange, or testament, or in any other manner whatever, as also with respect to the administration of justice, the citizens and subjects of the two contracting parties shall enjoy, in their respective territories and dominions, the same privileges, liberties, and rights, as the most favored nation ; and there shall not be levied upon them on this account, any higher imposts or duties than those that are paid, or may be paid, by the citizens or subjects of the powers in whose terri-

teries or dominions they may reside. They shall be exempt from all compulsory military service, by sea or by land, and from all forced loans or exactions, or military requisitions, nor shall they be compelled to pay any ordinary contribution, greater than what may be paid by the citizens or subjects of either power, under any pretext whatever.

Art. 10. Each of the two contracting parties shall be at liberty to appoint consuls for the protection of their commerce, to reside in the territories and dominions of the other party; but previous to any consul acting as such, he shall be approved and admitted, in the usual form, by the government to whom he may be sent; and any of the contracting parties can except from the residence of consuls such particular parts as either of them may think proper to except.

Art. 11. For the better security of commerce between the citizens of Colombia and the subjects of his Britannic majesty, it has been agreed, that if at any time any interruption of their amicable commercial intercourse should unfortunately take place, or in any case of any rupture happening between the two contracting parties, the citizens or subjects of either of the two contracting parties, resident in the territories or dominions of the other, shall have the privilege of remaining or continuing their traffic there, without any kind of interruption, so long as they shall conduct themselves peaceably, and shall not commit any offence against the laws; and such of their effects and property as may be already confided to private individuals, or to the state, shall not be subject to

seizure or sequestration, or any other demands, other than what are made upon similar effects or property belonging to the citizens or subjects of the state in which they may reside.

Art. 12. The citizens of Colombia shall enjoy throughout all the dominions of his Britannic majesty, a perfect and unlimited liberty of conscience, and the exercise of their religion, publicly or privately, in their own houses, or in the chapels or places of worship destined for that purpose, conformably to the system of toleration established throughout the dominions of his Britannic majesty. In like manner the subjects of his Britannic majesty resident in the territories of Colombia, shall enjoy the most perfect and entire liberty of conscience, without being in any manner exposed to be molested, disquieted, or disturbed on account of their religious belief, nor in the free exercise of their religion, provided it be performed in their private houses, and with the reverence due to the divine worship, respecting the laws, usages, and customs established. The subjects of his Britannic majesty shall also have the liberty of interment for such of them as die in the said territories of Colombia, in such places as they may deem fit and proper to establish for such purpose, with the consent of the local authorities; and the funeral or burial places of the dead shall not be violated in any manner, nor on any pretext.

Art. 13. The government of Colombia engages to co-operate with his Britannic majesty to obtain the total abolition of the slave trade, and to prohibit, in the most effect-

al manner, all persons inhabiting the territories of Colombia, from taking any part in such traffic.

Art. 14. And inasmuch as it is convenient and necessary to facilitate to the utmost, a mutual good understanding between the two contracting parties, and to remove beforehand every kind of difficulty, and that other articles may be proposed and added to the present treaty, which, for the want of time, and the pressure of circumstances, cannot now be drawn up with the proper precision, it has been agreed, and is hereby agreed, on the part of both powers, that they shall mutually endeavor, with the least possible delay, to treat and agree upon the articles that may be found wanting in this treaty, and which may be judged mutually advantageous; and such articles, when they are agreed upon and duly ratified, shall form part of the present treaty of friendship, commerce, and navigation.

Art. 15th. The present treaty of friendship, commerce, and navigation, shall be ratified by the president or vice-president, entrusted with the executive power of the republic of Colombia, with the consent and approbation of the congress of the same, and by his majesty the king of the United Kingdom of Great Britain and Ireland, and the ratifications shall be exchanged in London within six months from the present day, or sooner if possible.

In testimony of which, the respective plenipotentiaries have mutually signed and sealed these presents.

Given in the city of Bogota, the eighteenth day of the month of April, in the year of our Lord one

thousand eight hundred and twenty-five.

PEDRO GAUL,  
PEDRO BRICENO MENDEZ,  
JOHN POTTER HAMILTON,  
PATRICK CAMPBELL.

Additional Article. Insomuch as, in the present state of the Colombian marine, it would not be possible for any Colombian to take the benefit of the reciprocity established in the fifth, sixth, and seventh articles of the treaty signed this day, if that part which stipulates that, in order to be considered as a Colombian vessel, the vessel must have been really built in Colombia, it has been agreed, that for the space of seven years, reckoned from the date of the ratification of this treaty, all vessels, wherever they may have been built, that are *bona fide* the property of one or more of the citizen of Colombia, and whose captain and three-fourth parts of the mariners, at the least, are Colombian citizens, except in those cases especially provided for by law, shall be considered as Colombian vessels. His majesty, the king of the United Kingdom of Great Britain and Ireland, reserving to himself the right, at the end of the said term of seven years, to enforce the principle of mutual restriction stipulated in the seventh article above referred to, if the interests of the British shipping should be injured by the present exception of that reciprocity in favor of Colombian vessels.

The present additional article shall have the same force and validity as if it had been inserted, word for word, in the treaty signed this day: it shall be ratified, and the ratifications exchanged at the same time.

In faith of which, the respective plenipotentiaries have severally signed and put their seals to it.

Given in the city of Bogota, the eighteenth day of the month of April, in the year of our Lord one

thousand eight hundred and twenty-five.

PEDRO GUAL,  
PEDRO BRICENO MENDEZ,  
JOHN POTTER HAMILTON,  
PATRICK CAMPBELL.

*The following extracts are made from an answer made by MR. CANNING, to the remonstrances of the Spanish Ambassador in London, against the new relations which the British government had formed with the new American governments.*

“The separation of the Spanish colonies from the mother country has neither been our work, nor the object of our desires ; it has been caused by events in which the English government took no part, but which, we think, might have been prevented, if our advice had been listened to in time.

“But this separation has produced a state of things to which the British government must adapt its measures and its language not precipitately, but with mature reflection and circumspection.

“The continuing to call by the name of a Spanish possession, a territory in which Spanish power and occupation have been extinguished, can be of no practical utility to the mother country, and may endanger the peace of the world.”

“It cannot be denied that even in 1813, Great Britain would have made peace with Bonaparte, if he had not been so immoderate in his pretensions ; Spain cannot be ignorant, that even since the fall of Bonaparte it was a question among the allies, whether it would be proper to place on the throne of France a sovereign who was not a Bourbon.”

“All political communities are responsible to each other for their conduct—that is, they are all under

an obligation to fulfil their established international duties, and to indemnify any violation of the rights of others committed by their citizens or subjects. Now, since the mother country must continue to be responsible for acts over which it cannot exercise the shadow of authority, the inhabitants of those countries whose political independence has been established, but whose title has not been recognized, must be placed in a situation in which they are responsible for their actions, or must be punished like pirates placed beyond the pale of law, for those deeds which supply a ground of complaint to other nations. In the first part of this alternative, the total irresponsibility of the states not recognized is too absurd to be maintained ; and in the last, the treatment of their inhabitants as pirates is too monstrous to be applied to a great portion of the habitable globe.

“M. Zea says, that the king of Spain will never recognize the new states of Spanish America, and that his majesty will not cease to employ force of arms against his rebel subjects in that part of the world.

“We have neither the pretension nor the desire to control the conduct of his catholic majesty—but this declaration of M. Zea is a complete justification of our con-

duct, as it proves that we have seized the proper moment to put our relations with the new states upon a firm footing. A further delay on our part could not have satisfied Spain, or produced any benefit, seeing that Spain has decidedly pronounced herself against all arrangement, under any circumstances, or at any time; and that she is resolved upon interminable war with her ancient colonies.

“The undersigned is also charged to declare to the ministers of Spain, that it was not a sentiment of ill-will, nor even of indifference towards the interests of his catho-

lic majesty, which dictated the measures of the English government—that his Britannic majesty will not cease to entertain the most anxious wishes for the prosperity of Spain, and that his majesty is still disposed to renew, and has commanded the undersigned to renew, to the government of his catholic majesty, the offer of the good offices of his majesty to bring to an issue any amicable arrangement which may be practicable between his catholic majesty and the countries of America which have separated from Spain.”

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#### FRANCE.

*The following is the King's SPEECH, delivered on opening the Chambers, January 31.*

Gentlemen—It is with genuine satisfaction that I find myself again among you. Watchful of the public sentiment, and of the course of things, I have concluded that no serious considerations required that the period at which your meeting was to take place, should be hastened. My foresight has been justified, and I am happy in not having abridged the repose on which you had a right to calculate.

Death has just stricken in the midst of his career, one of our most magnanimous allies—this loss has profoundly afflicted my heart. I receive from his successor, and from all other powers, the most positive assurances of the continuation of their friendly dispositions; and I have the conviction that nothing will alter the good understanding existing between my allies and myself, for the repose of the nations.

I have concluded with his Britannic majesty, a convention which will render less burdensome the conditions now attached to the reciprocal navigation of the two kingdoms and their colonies. I anticipate from the arrangement, advantageous results for our maritime commerce.

I have resolved at last, to settle (*fixer*) the fate of St. Domingo. The time had arrived for closing so dangerous a sore, and to put an end to a state of things which compromised so many interests. The final separation of that colony, lost to us for thirty years, will not disturb the security of those we retain.

A law for the apportionment of the indemnity which I have stipulated for the ancient inhabitants, becomes necessary. It will be proposed to you.

I shall cause to be submitted to



you immediately, the accounts for 1824—a sketch of the receipts and expenses for 1825, and the budget of 1826.

The development of our commerce, and of our industry, which from day to day is adding to the product of the taxes on consumption and operations, will permit an amelioration of the condition of the ministers of our holy religion, to increase the funds for other services, and in addition to the decrease which has already been made this year in the direct taxes, will allow a further diminution of nineteen millions. (About \$3,800,000.)

You will rejoice with me, gentlemen, to find thus, in the progress of our internal prosperity, the means of reducing those charges which weigh most heavily on the tax payers.

Legislation should provide for the successive improvements of all the wants of society. The progressive cutting up (*morcellement*) of landed estates, essentially contrary to the spirit of a monarchical government, would enfeeble the guarantees which the charter gives to my throne and to my subjects.

Measures will be proposed to you, gentlemen, to re-establish the uniformity which ought to exist in the political and in the civil law, and to preserve the patrimony of families, without restricting, however, the liberty of disposing of one's goods.

The preservation of families brings about and secures political stability, which is the first want of states, and which particularly is that of France, after so many vicissitudes.

You will second me, gentlemen, in the accomplishment of the plans I have meditated, and in assuring more and more the happiness of the people whom Divine Providence has committed to my care. You will not be more disturbed than myself by that thoughtless restlessness which still agitates some bosoms in spite of the security we enjoy. This security shall not be impaired, gentlemen; rely upon my watching, with equal solicitude, over all the interests of the state, and that I shall know how to conciliate the exercise of all legal liberty, with the maintenance of order, and the suppression of licentiousness.

## RUSSIA.

### MANIFESTO OF THE EMPEROR NICHOLAUS I.

Petersburg, Dec. 26.

Whereas his imperial highness, the grand duke Constantine, has declared that he will resolutely adhere to his former abdication of the imperial crown, the grand duke Nicholas has, to-day, ascended the throne of the Russian empire, and all the proper authorities, and the different divisions of the army, have taken the oath of fidelity to his im-

perial majesty. In reference to this important event, the following imperial manifesto has appeared:—

*Manifesto.*—By the grace of God, Nicholas I., emperor and autocrat of all the Russias. In the grief of our heart, amidst the general pain which oppresses us, our imperial house, and our beloved country, we can only bend before the impetrable decrees of the Almighty, and



we can only seek for strength and consolation with him. It has pleased him to call before him the emperor Alexander I., of glorious memory, and we have lost a father, a ruler, who, during twenty-five years, was the happiness of Russia and of us.

When, on the 27th Nov. the information of this disastrous event reached us, we hastened, even this moment of the most acute grief, to fulfil a sacred duty, and, listening only to the dictates of our hearts, we rendered the oath of fidelity to our elder brother, the Cezrowitsch grand duke Constantine, as legitimate heir to the Russian throne in virtue of primogeniture. Scarcely had we discharged this sacred duty, when we were apprised by the senate, that there had been deposited in their hands, on the 15th October, 1823, a letter, with the seal of the deceased emperor, and with the superscription in the own hand writing of his imperial majesty: "To be preserved by the senate until my further commands; in case of my death, however, this packet is to be opened in an extraordinary sitting, before any other act is proceeded in:" that this most gracious command had been complied with, and the following documents were contained in the packet:

1. A letter of the Cezarowitsch grand duke Constantine, dated 14th January, 1822, addressed to his majesty, the deceased emperor, by virtue of which his imperial highness renounces the succession to the throne, belonging to him by primogeniture.

2. A manifesto, dated August 16, 1823, bearing the autograph signature of his imperial majesty, whereby his majesty, after the ratification

of the deed of abdication of the Cezarowitsch grand duke Constantine, establishes, that we, the next in age, are heir to the crown, according to the fundamental laws of the empire.

We were further informed, that documents of the same tenor had been deposited with the directing senate, with the holy synod, and in the cathedral church of the Ascension at Moscow. These informations could not alter our resolution once taken. We observed in these documents only a renunciation of his imperial highness during the life of the emperor and confirmed by the consent of his imperial majesty: but we had neither the wish nor the right to consider this abdication, which, when it took place, was not proclaimed publicly, and had not received the power of a law as irrevocable. We would manifest by this our veneration of the first fundamental law of our country, and of the unalterable order of succession, and faithful to the oath we had taken, we insisted that the whole empire should follow our example. Under these momentous circumstances, it was not our intention to dispute the validity of the resolution pronounced by his imperial highness, much less was it our intention to bring ourselves in opposition to the will of the deceased emperor, our common father and benefactor, which will always remain sacred to us. We endeavored solely to protect the law, regulating the succession to the throne, from every infringement, to show the purity of our sentiments, and not to leave our beloved country one single moment in uncertainty respecting its legitimate sovereign.

This resolution, taken with a pure conscience, and before God

the Almighty, was blessed and approved by her majesty the empress Maria, our much beloved mother.

Meanwhile, the mournful account of the decease of his majesty had reached Warsaw, direct from Taganrok, on the 25th November, and consequently two days prior to its being received here. Firm in his resolution, the Cezarowitsch grand duke Constantine, confirmed the same on the following day, by two acts, dated 26th November, and commissioned to our beloved brother, the grand duke Michael, to carry them to us. These acts consisted in :—

1. A letter to her majesty the empress, our much beloved mother, in which his imperial highness renews his former resolution, supports it by the copy of a rescript of the deceased emperor, dated the 2d February, 1822, serving as an answer to the act of abdication, and finally renounces solemnly, all his claims to the throne, and recognized the same as transferred to us and our successors, according to the appointments contained in the fundamental law of the succession.

2. A letter directed to us, wherein his imperial highness, anew, declares his former resolution, gives us the title of imperial majesty, and reserves for himself, only the former one of Cezarowitsch, and calls himself the most faithful of our subjects.

However decisive these acts were, and although they proved to occur demonstration, that the resolution of his imperial highness was irrevocably fixed, yet our own sentiment, and the situation of affairs, induced us to defer the publication of the aforesaid acts, until the will of his imperial highness, with reference to

the oath taken by us and the whole empire, should be declared.

Whereas, we have now also received, on the part of his imperial highness, this last declaration of his will, we communicate the same to our subjects, accompanying it by the following documents :—

1. The letter of his imperial highness the Cezarowitsch grand duke Constantine to the deceased emperor Alexander.

2. The answer of his imperial majesty.

3. The manifesto of the deceased emperor, which confirms the abdication of his imperial highness, and recognizes us as successor to the throne.

4. The letter of his imperial highness to her majesty the empress, our much beloved mother.

5. The letter of his imperial highness directed to us.

In conformity with all these documents, and with the fundamental law of the empire regarding the order of succession—full of veneration for the impenetrable decrees of a guiding Providence—we now ascend the throne of our ancestors, the throne of the empire of all the Russias, as well as the thrones inseparable therefrom—that of the kingdom of Poland, and the grand duchy of Finland, and command—1. That the oath of allegiance be rendered to us and to the heir of our throne, the grand duke Alexander. imperial highness, our much beloved son. 2. That the period of our ascension to the throne be calculated from the 19th November, 1825.

Finally, we call upon our faithful subjects to join us in fervent prayers to the Almighty, that he will grant us strength to bear the burthen he

has, in his Divine Providence, laid upon us, that he may preserve in us the firm resolution to live solely for our beloved country, and to tread in the footsteps of the monarch whom we now deplore.

May our reign be nothing but a continuation of his, and may we fulfil all the wishes for Russia's happiness, which animated him, whose sacred memory shall preserve in us the endeavor and the hope, to merit the blessings of heaven, and the love of our people.

Done in our imperial residence,  
St. Petersburg, the 12th December, in the year of salvation, 1825, and first of our reign.

(Signed)

NICHOLAUS.

*LETTER of His Imperial Highness the CEZAROWITSCH Grand Duke CONSTANTINE, to the Emperor ALEXANDER the first.*

Most illustrious, &c. &c.—Encouraged by the manifold proofs of affection of your imperial majesty towards me, I venture once more to claim them, and to lay the following submissive request at your illustrious feet.

As I do not lay claim to the spirit, the abilities, or the strength, which would be required, if I should ever exercise the high dignity to which I may possess a right by birth, I most fervently supplicate your imperial majesty to transfer that right to him who would inherit it after me, and by that act to secure the stability of the empire. With respect to myself, I shall add by this abdication, a new warranty and a further power to that obligation. into which I entered volunta-

rily and solemnly on the occasion of the divorce from my first wife. All the circumstances of my present situation, induce me still more to adopt this measure, which will prove to the empire and the whole world the purity of my sentiments.

May your imperial majesty receive my wish with condescension, may you determine our illustrious mother to accede to it, and to sanction it by your imperial approbation.

In the circle of a private life, I shall constantly endeavor to set an example to all your faithful subjects, and all who are animated by a love for our dear country.

With profound respect, sire, your imperial majesty's most loyal subject and brother,

(Signed)

CONSTANTINE CEZAROWITSCH.

Petersburg, 14th Jan. 1822.

*Answer of His Imperial Majesty the Emperor ALEXANDER.*

Very dear brother—I have read your letter with all the attention which it demanded. I have found nothing in it which caused surprise, as I always knew how to estimate the sublime sentiments of your heart. It has given me a new proof of your sincere attachment to the state, and your care for the preservation of undisturbed tranquillity.

I have, in conformity with your wish, laid your letter before our beloved mother. She read it with the same sentiments as I did, and gratefully acknowledges the noble motives by which you were guided.

From the reasons which you state, we have both of us only to leave you full liberty to follow your firm resolution, and to pray the Al-

mighty to grant the most benign consequences to such pure sentiments.

I remain, forever, your affectionate brother,

(Signed) ALEXANDER.

(A true copy.)

(Signed) CONSTANTINE.

St. Petersburg, the 2d Feb., 1822.

### *Manifesto of the Emperor*

ALEXANDER.

We, by the grace of God, Alexander the first, emperor and autocrat of all the Russias, &c. &c.

Make known to our faithful subjects, that from the moment we ascended the throne of Russia, we have invariably felt, that it was our duty towards Almighty God, not only to maintain during our reign the happiness of our dear country and of our people, but also to prepare and secure a clear and exact appointment of our successor, according to the laws of our imperial house, and rights of the empire.

We were not able to appoint him immediately, according to the example of our predecessors, under the expectation in which we were, whether it might not please Providence to grant us an heir to the throne in a direct line. But the more we increase in years, the more we think it necessary to hasten in placing our throne in such a state that it cannot remain vacant for a moment.

Whilst we were impressed with this anxiety, our dearly beloved brother, the Cezarowitsch and grand duke Constantine, in following his own inclination, addressed to us the request of transferring his right to the dignity of the throne, to which he might hereafter be raised by his birth, to such person who may be entitled to it,

in default of him. He, at the same time, declared, by this means, his consent to the supplementary act respecting the succession to the throne, which was granted by us in the year 1820, and acknowledged by him, voluntarily and solemnly, and gives new force to it as far as the same concerns him.

We are deeply affected by this sacrifice, which our dearly beloved brother has resolved to make, with such great self-denial for the conformation of the hereditary statutes of our imperial house, and the unshaken tranquillity of the Russian empire.

After having invoked the assistance of God, and having duly and maturely considered an object as dear to our heart as it is important to the state, and finding that the statutes which related to the order of succession to the throne, do not deprive those who have a right to it of the power of relinquishing the same, if no difficulty exists with respect to the line of succession, we have, therefore, with the previous consent of our illustrious mother, as well as the high power of the head of the imperial family, which came to us by inheritance, and mindful of the power granted us by God, have commanded as follows :

In the first place, the voluntary act, by which our elder brother the Cezarowitsch and grand duke Constantine, renounced his rights to the Russian throne, shall remain firm and irrevocable. In order to secure the publicity of the said act of renunciation, it shall be deposited in the grand cathedral church of Ascension, at Moscow, and with our three highest authorities, the holy synod, the senate, and the directing senate.

Secondly. With respect to the arrangement, and in conformity with the exact tenor of the act of succession to the throne, we acknowledge as our successor, our second brother, the grand duke Nicholas. In this manner we reserve to ourselves the pleasing hope, that on the day when it shall please the King of kings, according to the universal law of all mortals, to call us from our temporal government to eternity, the chief state officers of the empire, (to whom our present and irrevocable will, as also our present legal appointment, shall, by our order, be communicated in due time,) will use all diligence in swearing the oath of allegiance to the hereditary emperor, whom we have just

now appointed to the throne of the Russian empire, as well as to the inseparable throne of the kingdom of Poland and the grand duchy of Finland.

With respect to ourselves, we request all our faithful subjects will, with the same sentiments of love and affection which caused us to consider the care for their constant happiness, as our greatest blessing upon earth, direct their fervent prayers to our Lord and Saviour Jesus Christ, that, in his infinite mercy, he may receive our souls into his everlasting kingdom.

Done at Tzarsko-selo, the 16th August, in the year of our Lord 1823, and 23d year of our reign.

(Signed) ALEXANDER.

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*On the 13th May, the Emperor ALEXANDER opened the Session of the diet of POLAND by the following SPEECH.*

When four years ago I separated myself from you, lamentable events had produced a general movement in Europe, which threatened to compromise the prosperity of all the nations. I wished to leave to the opinions time to become fixed, and to the passions time to subside. Your third session was deferred; but this delay, I am certain, will possess the happy result of having the better prepared your labors, and it is with real satisfaction, and with those sentiments of attachment of which I have already given you so many proofs, that I find myself in the midst of you.

In the interval that has elapsed since the last diet, faithful to my duties and to the resolutions which I expressed to you, as soon as I remarked the germ of troubles, I offered opposition to its develop-

ment. To consolidate my work, ensure its duration, and guarantee to you the peaceable enjoyment of the fruits expected from it, I have added an article to the fundamental law of the kingdom.\* This measure, which removes all necessity of exercising influence in the choice of members of the diet and upon your deliberations, proves the part I take in the consolidation of your constitutional compact. This is the sole object that I proposed to accomplish in adopting this measure, and the Poles, I have the fullest confidence, will know how to appreciate the object and the means I have employed for its accomplishment.

My minister in the interior will

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\* The article here referred to, is that by which the publicity of the debates of the diet is prohibited.

I lay before you the picture of the situation of the kingdom, as well as the administrative measures that have been pursued during four years. You will have the satisfaction of seeing the rapid progress of industry, and to find that if the general prosperity has not yet attained the degree of perfection to which my wishes and the efforts of the government seek to carry it, the cause must be looked for in nothing else than the almost general stagnation of trade in agricultural produce. In other respects, the most advantageous results have been obtained. The national debt approaches to its complete acquittal.

Two conventions have fixed the part of this debt, that Austria and Prussia have to support. In a short time a new finance law will regulate the revenue and expenditure of the state. A ruinous deficit had compromised your dearest interests. It has disappeared. The excess of the receipts must be applied scrupulously to the extinction of the national debt.

The negotiations entered upon with the court of Berlin, to settle the affairs of commerce between Poland and Prussia, have been crowned with the most happy success, by means of a series of regulations, of a frank and amicable nature, which serve as the basis of my relations with my faithful allies. The convention which I have ratified, affords easy openings to your commerce abroad. That which you have with Russia acquires daily greater activity and extent. The facilities that have

been granted to it are doubly advantageous, both by the mutual welfare of which they favor the progress, and by the new ties which draw the two nations together.

The debts with which private property is burdened, have, in particular, excited my closest attention. A project for forming an association, *in solido*, of the land owners, will be laid before you. It is the result of opinions which have undergone long discussion in your council of the Palatines.

Religion, that source of every virtue, that indispensable base of all human institutions, appears to command a revision of a part of your civil code. A commission, chosen from among yourselves, has undertaken this important labor, and the project of the first book, which it has already discussed, will be communicated to you.

My thoughts will accompany you in the discharge of your functions, and you will find me ever ready to adopt the ameliorations which may be proposed to me; but, at the same time, resolved to reject every species of concession that may be prejudicial to your prosperity.

Representatives of the kingdom of Poland, may you, being free from all influence, proceed in your deliberations with calmness! The futurity of your country is in your hands. Consider nothing but its welfare, its real advantage. Render to it all the services that it expects from your assembling together, and second me in the accomplishment of the wishes which I have never ceased to form for it.



## SWEDEN.

*TRANSLATION of a Discourse delivered by the King, before the Academy of Agriculture, on the anniversary of its institution.*

Gentlemen—At the institution of this academy, twelve years ago, I remarked, in my address, that agriculture flourished most where a people may rest secure as to the future, under the protection of guaranties. Our expectations have been surpassed by the results. The influence of law, regard for its execution, individual security, and the assurance that the power of government was engaged to secure them inviolate and lasting, are the causes of our immense productions, notwithstanding the severity of our climate.

Twelve years ago, we were dependent on our neighbors for the first necessities of life; we are now able to send supplies wherever a scarcity may prevail. The ships of Sweden have already exported our grain to the ports of the Atlantic and the Mediterranean. But, gentlemen, there is one grand object which should ever be kept in view: it is the system of conservation. If this principle regulate enterprise, equilibrium will be preserved, the riches of the country increased, and individual fortunes enlarged. We should, at this time, direct agricultural speculations towards this conservation, rather than to the maintenance of that impulse already given to them, which has been so perseveringly and successfully followed.

To conquests there is a limit; the necessity of things, the force of events, and nature itself require it. Let us profit by the lessons which every thing conspires to teach. The good of a nation, the preser-

vation of its rights, and the establishment of its prosperity, are not secured by precipitation, which effects nothing; permanent improvements must be introduced by time and repeated exertions. There are individuals who do not always perceive the beneficent purposes of the government, and imagine themselves aggrieved, when it is only intended to break the chains by which custom has bound them; whilst the very extent of knowledge in others impels them to leap the barrier to their wishes. If it be the duty of a citizen to respect the laws—even if they contain errors—the chief of a state himself is often compelled to act cautiously in abrogating usages consecrated by time, however opposed they may be to the development of the richness and greatness of his country.

Nations are unlike to individuals. These are eager to enjoy whatever dazzles, captivates and enchains them. Nations, on the contrary, perceive ages to pass away, and await the approach of future ones; the slow march of time and the experience of the past, confirm their existence, and prepare them for a condition that may be the pride of their contemplation. It is this progressive march which I ask for the interests of agriculture. It instructs us that the surplus of agricultural productions should be exchanged against the products of industry of towns: and that while these are cultivators of the soil, and not employed in manufacturing, a country may be tranquil in its interior, and content with the enjoy-



ment of its labors. But if towns compete with the country in cultivation, this branch of industry must finally be limited. They must, therefore, labor in producing those articles which we require, and for which we are yet tributary. We have the satisfaction to know, that the increase of population, since 1811, is equal to the whole amount of that of the two most populous provinces of the kingdom at that time.

A nation studies the legislation of its neighbors, to extract from it what is useful ; it should study their agriculture and administration, to profit of their discoveries, and avoid their errors. Agriculture is a branch of industry, and the most important of all ; but, like others, it is governed by laws, and these depend on the quantity of consumers. If production be greater than consumption, and have not a home or foreign market for its surplus, the condition of the cultivator will become every day more serious and distressing.

Let us take advantage of whatever is useful, and reject what is prejudicial. Let us revert to the

past, reflect on the present, and trust in the future with confidence, under the protection of that Providence, which has, in so miraculous a manner, watched over one of the most ancient people of Europe ; let us reflect that whilst many nations are obliged to seek new resources to supply their annual deficit, the two governments of Scandinavia have executed great works of internal communication for the benefit of agriculture, and every year have presented an excess of revenue, or subtracted from the burden of taxes which weighed most heavily on the agriculturist. Let us not forget, that to continue free in our domestic, and independent in our political relations, we have but to prove true to ourselves, and to reconcile the love of independence with respect for authority. The two people of the peninsula maintaining relations of union and mutual confidence and attachment, will be powerful in that connection, and no less strong in the policy of their government ; for ambitious of nothing abroad, they have nothing to fear.



# TRIALS AND LAW PROCEEDINGS.

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*Circuit Court of the UNITED STATES for the Eastern District of PENNSYLVANIA.*

**EDWARD D. CORFIELD, vs. DANIEL CARRAL.**

This was one of a number of actions of trespass, originally brought in the district court for the city and county of Philadelphia, to recover damages for an alleged interference with the rights of oystermen, and the owners of oyster boats, in the cove of Morris river, Cumberland county, New-Jersey.

The plaintiff was a citizen of Pennsylvania, and the owner of the *Hiram*, captured in the act of dredging, on the 15th May, 1821, by the schooner *Independence*, fitted out from Leesburg, on the river, to enforce obedience to the oyster laws of New-Jersey. The defendant, a citizen of New-Jersey, was one of the crew of the *Independence*.

In these circumstances, the case was removed, under the act of congress, to the circuit court; and, at April sessions, 1823, a verdict taken for the plaintiff, subject to the opinion of the court on all the points in controversy. At October sessions, 1824, the cause was again fully argued by counsel, and held under advisement.

J. R. Ingersoll and C. J. Ingersoll, for plaintiff.

McIlvaine and Condry, for defendant.

At the present April sessions, 1825, the opinion of the court was delivered by Washington, J., as follows:—

The points reserved present for the consideration of the court many interesting and difficult questions, which will be examined in the shape of objections, made by the plaintiff's counsel, to the seizure of the *Hiram*, and the proceedings of the magistrates of Cumberland county, upon whose sentence the defendant rests his justification of the alleged trespass. These objections are,

First. That the act of the legislature of New-Jersey, of the 9th June, 1820, under which this vessel, found engaged in taking oysters in Morris river cove, by means of dredges, was seized, condemned and sold, is repugnant to the constitution of the United States, in the following particulars:—

1. To the 8th sec. of the 1st art. which grants to congress the power to regulate commerce with foreign nations and among the several states. and with the Indian tribes.

2. To the 2d sec. of the 4th art. which declares that the citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

3. To the 2d sec. of the 3d art. which declares that the judicial power of the United States shall extend to all cases of admiralty and maritime jurisdiction.

In case the act should be considered as not being exposed to these constitutional objections, it is then insisted—

Secondly. That the locus in quo was not within the territorial limits of New-Jersey: But if it was, then,

Thirdly. It was not within the jurisdiction of the magistrates of Cumberland county.

Fourthly. We have to consider the objection made by the defendant's counsel to the form of this action.

The first section of the act of New-Jersey declares, that from and after the 1st May till the 1st September, in every year, no person shall rake on any oyster-bed in this state, or gather any oysters on any banks or beds within the same, under penalty of 10 dollars.

2d sec. No person, residing in or out of this state, shall, at any time, dredge for oysters in any of the rivers, bays, or waters of the state, under the penalty of 50 dollars.

The 3d sec. prescribes the manner of proceeding in cases of violations of the preceding sections.

The two next sections have nothing to do with the present case.

The 6th section enacts, that it shall not be lawful for any person, who is not at the time an actual inhabitant and resident of this state, to gather oysters in any of the ri-

vers, bays, or waters, in this state, on board of any vessel not wholly owned by some person inhabitant of, or actually residing in, this state; and every person so offending shall forfeit 10 dollars, and shall also forfeit the vessel employed in the commission of such offence, with all the oysters, rakes, &c. belonging to the same.

The 7th section provides, that it shall be lawful for any person to seize and secure such vessel, and to give information to two justices of the county where such seizure shall be made, who are required to meet for the trial of the said case, and to determine the same; and, in case of condemnation, to order the said vessel, &c. to be sold.

The first question then is, whether this act, or either section of it, is repugnant to the power granted to congress to regulate commerce? Commerce, with foreign nations, and amongst the several states, can mean nothing more than intercourse with those nations, and among the states, for purposes of trade, be the object of the trade what it may. This intercourse must include all the means by which it can be carried on, whether by the free navigation of the waters of the several states, or by a passage over land through the states where such passage becomes necessary to the commercial intercourse between the states. It is this intercourse which congress is invested with the power of regulating, and with which no state has a right to interfere. But this power, which comprehends the use of, and passage over, the navigable waters of the several states, does, by no means, impair the right of the state governments to legislate upon all subjects of internal po-

lice, within their territorial limits, which is not forbidden by the constitution of the United States, even although such legislation may indirectly and remotely affect commerce, provided it do not interfere with the regulations of congress upon the same subject—such are inspection, quarantine, and health laws, laws regulating the internal commerce of the state, laws establishing and regulating turnpike roads, ferries, canals, and the like.

In the case of *Gibbon, vs. Ogden*, 9 Wheat. which we consider as full authority for the principles above stated, it is said, “that no direct power over these objects is granted to congress, and, consequently, they remain subject to state legislation. If the legislative power of the union can reach them, it must be for national purposes; it must be when the power is expressly given for a specified purpose, or is clearly incident to some power which is expressly given.”

But if the power which congress possesses to regulate commerce does not interfere with that of the state to regulate its internal trade, although the latter may remotely affect internal commerce, except where the laws of the state may conflict with those of the general government, much less can that power impair the right of the state governments to legislate, in such manner as in their wisdom may seem best, over the public property of the state, and to regulate the use of the same, where such regulations do not interfere with the free navigation of the waters of the state, for purposes of commercial intercourse, nor with the trade within the state which the laws of

the United States permit to be carried on.

The grant to congress, to regulate commerce on the navigable waters belonging to the several states, render those waters the public property of the United States, for all the purposes of navigation and of commercial intercourse, subject only to congressional regulation. But this grant contains no cession, either express or implied, of territory, or of public or private property. The just *privatum* which a state has in the soil covered by its waters, the products of that soil or waters, is totally distinct from the *jus publicum* with which it is closed. The former, such as fisheries of all descriptions, remains common to all the citizens of the state to which it belongs, to be used by them according to their necessities, or according to the laws which regulate their use. “Over these,” says Vattel, book 1, chap. 20, sec. 235, 246, “sovereignty gives a right to the nation to make laws regulating the manner in which the common goods are to be used.” “He may make such regulations respecting hunting and fishing, as to seasons, as he may think proper, prohibiting the use of certain nets, and other destructive methods.” J. c. sec. 248. The *jus publicum* consists in the right of all persons to use the navigable waters of the state for commerce, trade, and intercourse, subject, by the constitution of the United States, to the exclusive regulation of congress.

If, then, the fisheries and oyster-beds within the territorial limits of a state, are the common property of the citizens of that state, and were not ceded to the United

States, by the power granted to congress to regulate commerce, it is difficult to perceive how a law of the state, regulating the use of this common property, under such penalties and forfeitures, as the state legislature may think proper to prescribe, can be said to interfere with the power so granted. The act under consideration, forbids the taking of oysters by any person, whether citizens or not, at unseasonable times, and with destructive instruments: for breaches of, the law prescribes penalties in some cases, and forfeitures in others. But the free use of the waters of the state, for purposes of navigation and commercial intercourse, is interdicted to no persons; nor is the slightest restraint imposed upon any to buy and sell, or in any manner to trade within the limits of the state.

It was insisted by the plaintiff's counsel, that as oysters constitute an article of trade, a law which abridges the right of the citizens of other states to take them, except in particular vessels, amounts to a regulation of the external commerce of the state. But it is a manifest mistake, to denominate that a commercial regulation, which merely regulates the use of the common property of the citizens of the state, by forbidding it to be taken at improper seasons, or with destructive instruments. The law does not inhibit the buying and selling of oysters after they are lawfully gathered, and have become articles of trade; but it forbids the removal of them from the beds in which they grow, (in which situation they cannot be considered as articles of trade,) unless under the regulations which the law prescribes. What are the

state inspection laws, but internal restraints upon the buying and selling of certain articles of trade? And yet, the chief justice, speaking of those laws, 6 Wheat. 203, observes, that "their object is to improve the quality of articles produced by the labor of a country, to fit them for exportation; or, it may be, for domestic use. They act upon the subject before it becomes an article of foreign commerce, or of commerce among the states, and prepare it for that purpose." Is not this precisely the nature of those laws which prescribe the season when, and the manner in which, the taking of oysters is permitted? Paving stones, sand, and many other things, are as clearly articles of trade as oysters—but can it be contended that the laws of a state, which treat as tortfeasors those who shall take them away without the permission of the owner of them, are commercial regulations?

We deem it superfluous to pursue this subject further, and close it by stating our opinion to be, that no part of the act under consideration amounts to a regulation of commerce, within the meaning of the 8th section of the 1st article of the constitution.

2. The next question is, whether this act infringes that section of the constitution which declares that the citizens of each state shall be entitled to all privileges and immunities of citizens in the several states?

The inquiry is, what are the privileges and immunities of citizens in the several states? We feel no hesitation in confining these expressions to those privileges and immunities which are, in their nature, *fundamental*—which belong,

of right, to the citizens of all free governments, and which have, at all times, been enjoyed by the citizens of the several states which compose this union, from the period of their becoming free, independent and sovereign. What these fundamental privileges are, it would perhaps be more tedious than difficult to enumerate. They may, however, be all comprehended under the following general heads—protection by the government, the enjoyment of life and liberty, with the right to acquire and possess property of every kind, and to pursue and obtain happiness and safety, subject, nevertheless, to such restraints as the government may justly prescribe for the general good of the whole. The right of a citizen of one state to pass through, or to reside in any other state, for purposes of trade, agriculture, professional pursuits or otherwise—to claim the benefit of the writ of habeas corpus—to institute and maintain actions of any kind in the courts of the state—to take, hold and dispose of property, either real or personal—and an exemption from higher taxes or impositions than are paid by the other citizens of the state, may be mentioned as some of the particular privileges and immunities of citizens which are already embraced by the general description of privileges deemed to be fundamental ;—to which may be added elective franchise, as regulated and established by the laws or constitution of the state in which it is to be exercised. These, and many others which might be mentioned, are, strictly speaking, *privileges and immunities*; and the enjoyment of them, by the citizens of each state, in every other state, was manifestly calculated, (to use

the expression of the preamble of the corresponding provision in the old articles of the confederation,) “the better to secure and perpetuate mutual friendship and intercourse among the people of the different states of the union.”

But we cannot accede to the proposition which was insisted upon by the counsel, that, under this provision of the constitution, the citizens of the several states are entitled to participate in all *the rights* which belong exclusively to the citizens of any particular state, merely upon the ground that they are enjoyed by those citizens. Much less, that, in regulating the use of the common property of the citizens of such state, the legislature is bound to extend to the citizens of all the other states the same advantages as are secured to their own citizens.

A several fishery, either as the right to it respects running fish, or such as are stationary, such as oysters, clams and the like, is as much the property of the individual to whom it belongs as dry land or land covered by water, and is equally protected by the laws of the state against the aggressions of others, whether citizens or strangers. When these private rights do not exist, to the exclusion of the common right, that of fishing belongs to all the citizens or subjects of the state—it is the property of all, to be enjoyed by them in subordination to the laws which regulate its use. They may be considered as tenants, in common, of this property, and they are so exclusively entitled to the use of it, that it cannot be enjoyed by others without the tacit consent or the express permission of the sovereign who has the power to regulate its use.



This power in the legislature of New-Jersey, to exclude the citizens of the other states from a participation in the right of taking oysters within the waters of that state, was denied by the plaintiff's counsel, upon principles of public law, independent of the provision of the constitution which we are considering, upon the ground that they are incapable of being appropriated until they are caught. This argument is unsupported, we think, by authority. Rutherford, B. I. c. 5. s. 4 and 5, who quotes Grotius as his authority, lays it down, that although wild beasts, birds and fishes, which have not been caught, have never, in fact, been appropriated, so as to separate them from the common stock, to which all men are equally entitled; yet, where the exclusive right in the water and soil which a person has occasion to use in taking them, is vested in others, no other person can claim the liberty of hunting, fishing, or fowling, on land or waters which are so appropriated. "The sovereign," says Grotius, b. 2. c. 2. s. 5, "who has dominion over the land or waters, in which the fish are, may prohibit foreigners, [by which expression we understand him to mean others than subjects or citizens of the state,] from taking them."

That this exclusive right of taking oysters in the waters of New-Jersey, has never been ceded by that state, in express terms, to the United States, is admitted by the counsel for the plaintiffs—and having shown, as we think we have, that this right is a right of property, vested either in certain individuals or in the state, for the use of the citizens thereof, it would, in our opinion, be going quite too far, to

construe the grant of privileges and immunities of citizens, as amounting to a grant of a cotenancy in the common property of the state, to the citizens of all the other states. Such a construction would, in many instances, be productive of the most serious public inconvenience and injury, particularly in regard to those kinds of fish, which, by being exposed to too general use, may be exhausted. The oyster beds belonging to a state, may be abundantly sufficient for the use of the citizens of that state, but might be totally exhausted and destroyed, if the legislature could not so regulate the use of them, as to exclude the citizens of the other states from taking them, except under such limitations and restrictions as the laws may prescribe.

3d. It is lastly objected, that this act violates that part of the constitution, which extends the judicial power of the United States to all cases of admiralty and maritime jurisdiction. The taking of oysters out of season, and with destructive instruments, such as dredges, is said to be an offence against the ancient ordinances and statutes of the admiralty, and that it is punished by the admiralty as a misdemeanor. The authority relied upon to establish this doctrine, is one of sir L. Jenkins' charges, to be found in the 2d vol. of Brown's C. and A. Law, p. 475.

The amount of the argument is, that some offences of this kind, are cases of admiralty and maritime jurisdiction. The laws of a state upon the same subject, vesting in the same tribunals jurisdiction over them, are repugnant to this grant of jurisdiction to the judiciary of the United States.

This argument, we think, can-

not be maintained. For, although the various misdemeanors, enumerated by sir L. Jenkins in his charges, may have been considered as admiralty offences at that period, either under the common law or the ancient ordinances and statutes of the admiralty, it remains yet to be shown, that they became such, and were cognizable by the judiciary of the United States, independent of some act of the national legislature to render them so. Many of those offences are already incorporated into the criminal code of the United States; and no person, it is presumed, will question the power of congress, by further legislation, to include many other offences, to which the jurisdiction of the admiralty in England extended at the period above alluded to. But it is by no means to be conceded, that because offences, of the nature we are now considering, may rightfully belong to the jurisdiction of the English admiralty, the power of that government to regulate her fisheries being unquestionable, congress has a like power to declare similar acts, or any acts at all, done by individuals in relation to the fisheries within the limits of the respective states, offences *against the United States*. There are, doubtless, acts that may be done upon the navigable waters of a state, which the government of the United States, and that of the state, have a concurrent power to prohibit and to punish as offences—such, for example, as throwing ballast into them, or in any other way impeding the free use and navigation of such rivers. But we hold that the power to regulate the fisheries belonging to the several states, and to punish those who should transgress those regulations, was exclusively vested

in the states, respectively, at the time when the present constitution was adopted, and that it was not surrendered to the United States by the mere grant of admiralty and maritime jurisdiction to the judicial branch of the government. Indeed, this power in the states, to regulate their fisheries in navigable rivers and waters, was not, in direct terms, questioned by the plaintiff's counsel, and yet their argument upon this point, when followed out to its necessary consequences, amounts to a denial of that power.

As to the ancient criminal jurisdiction of the admiralty, in cases of misdemeanors, generally committed on sea or on waters out of the body of any country, we have very respectable authority for believing that it was not exercised, even if it existed, at the period when the constitution of the United States was formed; and if so, it would seem to follow, that, to the exercise of jurisdiction over such offences, some act of the national legislature, to punish them as offences against the United States, is necessary. We find, from the opinions of learned and eminent counsel, who were consulted on the subject, that misdemeanors, committed upon the sea, had never been construed as being embraced by the stat. 28, H. 8. c. 15; and that the criminal jurisdiction of the admiralty, except as exercised under that statute, had become obsolete; so that, without an act of parliament, they could not be prosecuted at all. 2. Browns C. and A. law, app'x, 519 to 521. If then it could be admitted that congress might legislate upon the subject of fisheries within the limits of the several states, upon the grounds of the admiralty and maritime juris-

diction, it would seem to be a conclusive answer to the whole of the argument on this point. But no such legislation has taken place, and, consequently, the power of the state governments to pass laws to regulate the fisheries within their respective limits, remains as it stood before the constitution was adopted.

Secondly. The next general question to be considered is, whether the boundaries of the state of New Jersey include the place where the Hiram was seized whilst engaged in dredging for oysters.

The grant from Charles II., to his brother the duke of York, of the territory of which the present state of New-Jersey was a part, dated 12th March, 1663—4, was of all that territory lying between the rivers St. Croix, adjoining Nova-Scotia, and extending along the sea coast, southerly, to the east side of the Delaware bay, together with all islands, soils, rivers, harbors, marshes, waters, lakes, fishings, huntings, sportings, and all the royalties, profits, commodities, hereditaments and appurtenances, to the same belonging and appertaining, with full power to govern the same.

The grant of the duke of York, dated 24th June, 1664, to lord Berkley and sir Geo. Carteret, after reciting the above grant, conveys to them all that tract of land, lying to the westward of Long Island and Manhattan Island, bounded on the east, part by the main sea, and part by Hudson's river, "and hath upon the west Delaware bay or river, and extended southward," &c. "with all rivers, fishings, and all other royalties to the said premises belonging," &c.

There is no material difference between these grants, as to the boundaries of New Jersey, on the

westward, and we are of opinion, that although the rule of the law of nations is, that where a nation takes possession of a country, separated by a river from another nation, and it does not appear which had the prior possession of the river, they shall each extend to the middle of it; yet that, when the claim to the country is founded, not on discovery, and occupancy, but on grant, the boundary on the river must depend upon the just construction of the grant and intention of the parties, to be discovered from its face. Taking this as the rule, we think that the claim of New Jersey, *under these grants*, to any part of the bay or river Delaware, below water mark, cannot be maintained. The principle here suggested is, we conceive, fully recognized and adopted by the supreme court, in the case of *Handly's lessee v. Anthony*, 5 Wheat. Neither do we conceive that the limits of the state can, by construction, be enlarged by virtue of the grant of all rivers, fishings, and other royalties, which expressions ought, we think, to be confined to rivers, fishings, and royalties, *within the boundaries of the granted premises*. This appears to have been the opinion of the crown lawyers, who were consulted, more than a century ago, respecting the boundaries of New Jersey and Pennsylvania; and this, too, after hearing counsel upon the question. Their opinion was, that the right of the river Delaware and the islands therein, still remained in the crown. See Chalmer's opinions.

Notwithstanding this objection to the title of New Jersey, whilst a proprietary government, to any part of the bay and river Delaware, it seems that the proprietaries of West Jersey claimed, if not the

whole of the river, a part of it, at least, below low water mark, as far back as the year 1683, as appears by a resolution of the assembly of that province, in that year, "that the proprietary of the province of Pennsylvania should be treated with, in reference to the rights and privileges of this province, to or in the river Delaware."

By certain concessions of the proprietaries, freeholders and inhabitants of west New Jersey, sometime about the year 1676, they granted that all the inhabitants of the province should have liberty of fishing in Delaware river, or on the sea coast.

In 1693, a law passed in that province, which enacted that all persons, not residing in that province or within the province of Pennsylvania, who should kill or bring on shore any whale, in Delaware bay, or elsewhere within the boundaries of that government, should be liable to a certain penalty.

In the year 1771, another act was passed for improving the navigation of the Delaware, and, in 1783, another act was passed, which annexed all islands, islets and dry land, in the river Delaware, belonging to the state, as low down as the state of Delaware, to such counties as they lay nearest to. And, in the same year, the compact was made between the states of New Jersey and Pennsylvania, by which the legislatures of the respective states were authorized to pass laws for regulating and guarding the fisheries in the river Delaware, annexed to their respective shores, and providing that each state should exercise a concurrent jurisdiction on the said river.

These acts prove, beyond a

doubt, that the proprietaries of west New Jersey, from a very early period, asserted a right to the river Delaware, or to some part thereof, below low water mark, and along its whole length: and since the western boundary of the province, under the grant of the duke of York, was precisely the same on the bay as on the river, it may fairly be presumed, independent of his grant, to the proprietaries in 1680, and the concessions made by them in the year 1676, that this claim was extended to the bay for the purpose of navigation, fishing and fowling.

In this state of things the revolution was commenced and conducted to a successful issue, when his Britannic majesty, by the treaty of peace, acknowledged the several states to be sovereign and independent, and relinquished all claims, not only to the government, but to proprietary and territorial right of the same. The right of the crown to the bay and river Delaware being thus extinguished, it would seem to follow, that the right, claimed by New Jersey in those waters, was thereby confirmed, unless a better title to the same should be found to exist in some other state. Whether the claim of New Jersey extended to the middle of the bay, as we see, by the compact with Pennsylvania, it did to the middle of the river, is a question which we have no means of solving. But that the proprietors and inhabitants of west New Jersey made use of the bay, both for navigation and fishing, under a claim of title from a period nearly coeval with the grants of the province, can hardly admit of a doubt. This right, indeed, is expressly granted by the duke of York to William Penn and the

other proprietaries of west New Jersey, by his grant, bearing date 6th Aug. 1680. It contains a grant, not only of all bays and rivers, *to the granted premises belonging*, but also the free use of all bays and rivers, *leading into* or lying between the granted premises, for *navigation, fishing* or otherwise. The only objection which could have been opposed to the exercise of those acts of ownership, under this grant, was, that the duke had himself no title to the bay and river Delaware, under the royal grant to him. But the presumption is, nevertheless, irresistible, that the benefits intended to be bestowed by this grant, and which were confirmed by the other acts of the provincial government, before noticed, were considered by the inhabitants of the province as being too valuable not to be enjoyed by them. This use of the bay and rivers amounted to an appropriation of the water so used. Vat. b. 1. c. 22. s. 266: and this title became, as has been before observed, indefeasible by the treaty of peace, except as against some other state, having an equally good or a better title.

How far this title in New Jersey may be affected by the grants of the duke of York to William Penn, in 1682, of the tract of country which now forms the state of Delaware, it would be improper in this case to decide. But that the use of the bay for navigation and fishing was claimed and enjoyed by the inhabitants of that province, under those grants, is as fairly to be presumed as that it was so claimed and used by the inhabitants of New Jersey; and we are strongly inclined to think, that if the right of the former of these states to the bay of Delaware was found-

ed on no other title but that of appropriation, by having used it for purposes of navigation and fishing, the effect of the revolution and of the treaty of peace was to extend the limits of those states to the middle of the bay, from its mouth upwards. But be the title of the state of Delaware what it may, we are clearly of opinion, that, as between the plaintiff, who asserts and has certainly shown, no conflicting title in the state of Delaware, to the bay, and the state of New Jersey, or those acting under the sanction of her laws, the court is bound to consider that law as a sufficient justification of the proceedings under it, provided the locus in quo was within the body of the county of Cumberland, which is next to be considered.

Third. The third general question then is, whether, admitting the locus in quo to be within the territorial limits of New Jersey, it is within the limits of the county of Cumberland, in which the proceedings complained of took place.

The boundaries of this county, towards the bay, are thus described in the act which created it—*“bounded by Cape May county to Delaware bay, and then up Delaware bay to the place of beginning.”* If the opinion of the court, upon the last preceding question, as to the construction of the original grant from Charles II. to the duke of York, be correct, it would seem to follow, that the western boundary of this county extends only to low-water mark on Delaware bay, the expression *“to Delaware bay,”* implying nothing more than to the east side of that bay, which the law extends to low-water mark. We mean not, however, to give any decided opinion on this point, be-

cause, in the first place, if there be any weight in the above suggestion; (and nothing more is intended,) the legislature of that state, can, at any time, should it be deemed necessary, define, with greater precision, the limits of the counties bordering on the bay; and, secondly, because we think it unnecessary to decide that point in the present case, being clearly of opinion, fourthly, that the objections to this form of action are fatal.

It is an action of trespass, brought by the owner of the *Hiram*, for illegally seizing, taking and carrying away the said vessel. It appears, by the evidence, that at the time of the alleged trespass, the vessel was in possession of John Keen, in virtue of a hiring of her to him, for a month, by Hand, who had previously hired her of the plaintiff, and that the time, for which Keen had hired her, had not expired when the seizure was made. The question is, can the plaintiff, under these circumstances, maintain this action?

We hold the law to be clearly settled, that, to enable a person to maintain trespass or trover for an injury done to a personal chattel, the plaintiff must have had, at the time the injury was done, either ac-

tual or constructive possession of the thing as well as a general or a qualified property therein. The merely being out of the actual possession, is not sufficient to defeat the action, provided he has a right to demand it, because the general property, *prima facie*, draws to it the possession. But, if the general owner part with the possession to another person, under a contract which entitles such person to an interest in the thing, though for a limited time, the owner cannot be considered as having a constructive possession during that time, and, consequently, he cannot maintain an action of trespass for an injury done to it during such possession of the bailee. His only remedy is an action on the case for consequential damages. (See 1 Chit. Plead. 166, 167, 150, and the cases there cited; also, 8 Johns. Rep. 337; 7 Johns. Rep. 9, 535; 11 Johns. Rep. 385.) The *Hiram*, then, having been lawfully in possession of Keen, under a contract of hiring for a month, which time had not expired at the time the alleged trespass was committed, the action cannot be supported.

Let judgment be entered for the defendant.

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CIRCUIT COURT OF THE U. S. OCTOBER SESSIONS, 1825.

Present—*Judges Washington and Peters.*

UNITED STATES vs. JUAN GALBERTO DE ORTEGA.

This was a prosecution under the act of congress, of the 30th of April, 1790, the twenty-eighth section of which, declares, "That if any person shall violate any safe conduct or passport, duly obtained and issued, under the authority of

the United States, or shall assault, strike, wound, imprison, or in any other manner infract the law of nations, by offering violence to the person of an ambassador or other public minister, such person, so offending, on conviction, shall be



imprisoned not exceeding three years, and fined at the discretion of the court."

There were two indictments, one charging the defendant with an assault and battery upon the person of Don Hilario de Rivas y Salmon, charge d'affaires of his catholic majesty, near the government of the United States, knowing him to be such; the other charging him with an infraction of the laws of nations, by committing the said assault and battery. To both the indictments the defendant pleaded "not guilty:" and both were tried at the same time.

The facts of the case, as proved by Mr. Salmon, (who presented himself to the court as a voluntary witness,) were as follow: On the night of the 17th of September last, whilst Mr. Salmon was returning from the circus, he heard the steps of some person walking gently behind him, and presently the defendant accosted him in a solitary place, seizing him by the breast of the coat, and saying, in an angry manner, "Mr. Salmon, I am Ortega; you have insulted me, and I seek satisfaction." Mr. Salmon replied, "I have never insulted you, but you insult me now; please to let me go." "No," replied the defendant, "I have got you now, and I will not let you go, unless you will promise to give me satisfaction, for you have published many falsehoods against me." Mr. Salmon replied, that he had published nothing against him, but in answer to a very insulting manifesto of his, against all kings, and especially against his government. He further added, is it so long, after your arrival, that you seek satisfaction for an old offence? and is this the way you demand it? Have

you no friend to send on such an errand? You know who I am, and where I live. The defendant still retaining his hold, Mr. S. again desired him to let him go, threatening to strike him if he did not. The defendant answered, "You need not strike me, for I shall fight you in another place," and then inquired if he had any arms about him? Mr. S. replied that he had not, for he professed to be a peaceable man. The defendant observed, that he had none either, but that he could easily procure them if Mr. S. would fight. Mr. S. answered that he should fight him immediately if he did not release him. All remonstrances proving fruitless, Mr. S. thrust the defendant with the point of his umbrella, which was returned by a blow with another umbrella.

The fight continued for some time, when Mr. S. having greatly the advantage, having hold of his cravat, with his back fixed against the wall, Mr. Smith came up, and desired them to separate. Mr. S. agreed to release the defendant, if he would promise to keep the peace. This, after some hesitation, was promised, and the defendant was released. But almost immediately afterwards, the defendant again approached Mr. S. in a menacing attitude, with one of his arms raised. Mr. Smith immediately interposed, and, after reminding the defendant of his promise, told him, that if he was determined to have a fight, he must fight him. This put an end to the affray, and the parties separated.

Another witness, Mr. Wallace, stated, that he passed the parties, who were talking in Spanish, with apparent ill blood, and that he did not observe the defendant to have



hold of Mr. Salmon. He stopped at a short distance from them, and remained till the fight was over.

To prove the public character of Mr. S. the following evidence was given: An official letter from Mr. Anduaga, the Spanish minister, just previous to his departure from the United States, dated the 15th March, 1823, and addressed to the secretary of state of the United States, informing him that he had appointed Mr. S. charge d'affaires of his catholic majesty, in the United States; and another letter, to the same effect, from the same person, addressed to Mr. S.—a letter from the secretary of state, dated the 20th of the same month, addressed to Mr. Anduaga, in answer to the above, recognizing the character of Mr. S. and stating he should, with pleasure, correspond with him.

Two letters from the secretary of state, dated the 4th of April, 1823, and the 24th September last, addressed to Mr. S. as charge d'affaires, the latter being in answer to one addressed to the department, complaining of the outrage committed by the defendant, in which the secretary regrets the circumstance, and states, in substance, that the public prosecutor would do what was proper on the occasion.

Mr. Brent, the chief clerk in the department of state, was then examined, who deposed, that Mr. Salmon was recognized by the president as charge d'affaires, on the retiring of Mr. Anduaga, and was accredited by the secretary of state, who had continued to correspond with him as such, from the departure of Mr. Anduaga, till within a short time past.

Mr. Salmon stated, upon his ex-

amination, that Mr. Anduaga was appointed minister to the United States, under what was termed the constitutional government, which was established on the 9th March, 1820, and might be said to have terminated about the 1st October, 1823.

To prove that the public character of Mr. Salmon was known to the defendant, two letters from him, dated in May, 1824, addressed to Mr. S. as charge d'affaires, were read.

The counsel for the defendant offered to prove, by a witness, the contents of two decrees of the king of Spain, bearing date the 1st and 20th October, 1823, as well as another called the decree of purification, issued in December, 1824, for the purpose of showing that Mr. S., not having complied with the last decree, ceased to be a minister of the Spanish king. The court refused to permit such evidence to be given, stating, that although the unwritten law of a foreign country may be proved by witnesses, the written law can be proved only by itself.

To prove that a charge d'affaires is a public minister, entitled to the same privileges, immunities and protection, and that it is sufficient, though he have no letters of credence, if he be received by the government to which he is sent, and personally presented, the district attorney referred to Merl. Repert. of jurisprudence, vol. 8, p. 238, and contended, that the public character of Mr. Salmon was abundantly proved.

The counsel for the defendant insisted. 1st, That the alleged assault, by the defendant, was not sufficiently proved, the evidence of Mr. Wallace, upon that point, be

ing opposed to that of Mr. Salmon. That, even if it were not, it is no assault for one person gently to lay his hand upon another, or to take him by the coat, as Mr. Salmon states was done in this case. That the first assault was committed by Mr. Salmon, which will justify a battery committed even on a foreign minister.

2d. That no evidence had been given, sufficient to prove that the defendant knew the public character of Mr. Salmon, without which the offence is not made out. For, although Mr. Salmon may have been charge d'affaires, in 1824, yet the defendant had reason to believe, that he was displaced by virtue of the Spanish decrees, particularly that of purification.

3d. That the minister, Mr. Anduaga, had no authority to appoint Mr. Salmon charge d'affaires; for the appointment could be made only by the government of Spain. But if he had the power, still the official character of that gentleman ceased with the constitutional government, and could only revive by a new appointment of the king upon his restoration, of which no evidence had been given. They denied that the recognition of his public character by the executive of the United States, was sufficient evidence of his being a minister and entitled to the immunities of one.

After argument by counsel, the district attorney, C. J. Ingersoll, esq. for the prosecution, and S. Chew, Kittera and J. R. Ingersoll, esqrs. for the defendant: Washington, Justice, delivered the following charge to the jury.

This is a prosecution instituted by the United States for the purpose of vindicating the law of na-

tions, and of the United States, offended as is charged, in the person of a foreign minister, by an assault committed on him by the defendant. It is a case which cannot fail to be highly interesting to the defendant, and to our government. To the former, on account of the punishment which might be the consequence of a conviction; and to the latter, because the government of the United States, like that of all civilized nations is bound to afford redress for the violation of those privileges and immunities which the law of nations confers upon foreign ministers, and which are consecrated by the practice of the civilized world. A neglect or refusal to perform this duty, might lead to retaliation upon our own ministers abroad, and even to war. The case, therefore, from its importance, recommends itself to the gravest attention both of the court and of the jury.

There are two questions for your consideration—1st. Is the charge, that an assault was committed by the defendant upon Mr. Salmon sufficiently proved? If it be, then, secondly, was Mr. Salmon a public minister at the time the assault was made?

As to the first question, (after summing up the evidence, the judge said,) it was argued by the counsel for the defendant, that, to constitute an assault, it must be accompanied by some act of violence—the mere taking hold of the coat, or laying the hand gently upon the person of another, it is contended, does not amount to this offence, and that nothing more is proved in this case even by Mr. Salmon. It is very true, that these acts may very innocently be done without

offending the law. If done in friendship, for a benevolent purpose, and the like, the act would certainly not amount to an assault. But these acts, if done in anger, or in a rude and insolent manner, or with a view to hostility, amount not only to an assault but to a battery. Even striking *at* a person, though no blow be inflicted, or raising the arm to strike, or holding up one's fist at him, if done in anger or in a menacing manner, are considered by the law as assaults. It is, then, for you to say, whether, from the evidence which has been given in the case, Mr. Salmon's coat was seized, or laid hold of by the defendant in kindness, and for a justifiable cause, or in anger, and with hostile intentions? If the latter, it is an unquestionable case of assault and battery.

It was further argued by the defendant's counsel, that the only witness to prove the assault, is the party who considers himself to have been aggrieved, and therefore, that his evidence ought to be received with great caution, particularly as another witness, Mr. Wallace, who was present, did not observe the defendant to have hold of Mr. Salmon's coat. It is for the jury to say, whether the evidence of the fact, as stated by Mr. Salmon, is contradicted by Mr. Wallace, and if it be, whose statement is most to be believed, and whether this latter witness, who deposed that he passed the parties in the night, and stopped at some paces from them, had it as much in his power to give correct information in relation to the fact as Mr. Salmon, who was immediately engaged in the transaction, had? If there be no absolute contradic-

tion, the mere circumstance that the testimony given in support of the prosecution, is by the party alleged to be aggrieved, ought to have very little influence on the decision of the case. The law makes him a competent witness. He has no interest whatever in the decision of this case, and if his character be unimpeached, his testimony, given in such a manner as not to justify a suspicion of his want of strict veracity, and he stands uncontradicted by other testimony, he is a credible witness, and entitled to be believed.

Again, it has been insisted, that, by waiving his privilege, in becoming a voluntary witness, he has, himself, violated the law of nations and his duty to his sovereign. If this be so, that is a matter to be settled by them. We have nothing to do with it. It deprives him neither of his competency nor of his credibility.

But, should the jury feel doubts as to the first assault, on the ground of any discrepancy in the evidence, the witnesses all agree, that after Mr. Salmon released the defendant, upon his promise to keep the peace, the defendant again approached him in a hostile and menacing manner, with his arm raised, when a further conflict was prevented by the commendable interposition of Mr. Smith. That this act amounted to an assault, admits of not the slightest doubt, and brings the case within the provisions of the act of congress, provided Mr. Salmon was a foreign minister, which is the second point to be considered.

Second. Was Mr. Salmon a foreign minister at the time the alleged offence was committed? (The judge here recapitulated the

evidence of Mr. Salmon's official character, and then proceeded.) The counsel for the defendant have gone into a rigid examination of the credentials of Mr. Salmon. They deny that any thing short of credentials, emanating from the sovereign, or from some department of his government, charged to perform duties of this nature, could constitute him a minister ; and that, even if the appointment of minister under the constitutional government of Spain, was sufficient, it became void, by the revolution, which restored the king to his former power, and rendered a re-appointment necessary.

If these were questions fit for judicial inquiry and decision, we should say, that the appointment of a charge d'affairs by a foreign minister, upon his retiring from the station to which he had been appointed, is usual in practice, and if he be recognized as such by that branch of the government which is authorised to receive ministers, and with which he is to transact the business of his own sovereign, his character of minister is unquestionable. And further, that if after the constitutional government of Spain terminated, a re-appointment, or a recognition by the king, of the public character of this gentleman, were necessary, still as he is found, after a lapse of about two years, the recognized minister of Spain by our government, we ought to presume, that his sovereign has done all that he thought necessary to clothe him with that character.

But the conclusive answer to these arguments is, that these are matters of state, with which courts of justice have nothing to do. The

constitution of the United States having vested in the president the power to receive ambassadors and other public ministers, has necessarily bestowed on that branch of government, not only the right, but the exclusive right, to judge of the credentials of the ministers so received ; and so long as they continue to be recognized and treated by the president as ministers, the other branches of the government are bound to consider them as such. If courts of justice could sit in judgment upon the decision of the executive, in reference to the public character of a foreign minister, and by pronouncing him unduly appointed, or improperly recognized, deprive him of the privileges of a minister, what an extraordinary anomaly would such an interference present to the world ?

The individual who should be placed in this predicament, would, for all the purposes of his own or this government, be a minister, the representative of his sovereign, authorised to transact the business with which he is charged, and to bind his sovereign, whilst acting in obedience to his orders ;—and yet he would be no minister in the view of the judiciary, and of course not entitled to the protection due to that character. In other words, a public minister, without the privileges and immunities of one. For, notwithstanding this judicial interference, he would still continue to be a minister as long as the president should continue to recognize him as such, and no judgment of a court of justice could deprive him of that character, although it should withhold from him the

sanctity appertaining to it. Besides, if it belongs to courts of justice to meddle with these matters, and, looking beyond the acts, and conduct of the president, to decide a person recognized by him to be a minister, to be no minister; surely that branch of the government ought to possess all the lights to guide their judgment which are possessed by the president, and should, consequently, be empowered to call for, and expose to public view, the archives of state, and the correspondence of the executive of this nation with foreign nations, in relation to the subject on which the decision is to be made. Yet who would be wild enough to maintain a proposition so extravagant and absurd?

The principles which have been stated, are those which governed this court in Liddle's case, decided in 1807, in which it was stated, that the certificate of the secretary of state, that the person claiming to be a charge d'affaires, was received and recognized as such by the executive of this government, was the best evidence which could be given of that fact. The only proper inquiry, in short, in cases of this nature, is, has the person claiming to be a foreign minister, been received and recognized as such by the executive of this government? If he has, the evidence of those facts is not only sufficient, but, in our opinion, conclusive, upon the subject of his privileges as a minister. Such has been the nature of the evidence given in this case.

It now remains only to notice two or three arguments of the counsel, upon which some reliance was placed. It seemed to be sup-

posed by the district attorney, that even if the first assault had been made by Mr. Salmon on the defendant, the blow which was returned would have been an offence under the act of congress. But this is not the opinion of the court. A foreign minister, by committing the first assault, so far loses his privilege, that he cannot complain of an infraction of the law of nations, if, in his turn, he should be assaulted by the party aggrieved. This was decided by this court in Liddle's case. It was insisted by the defendant's counsel, that it was incumbent on the prosecutor to prove that the public character of Mr. Salmon was known to the defendant at the time this transaction took place. If this position could be maintained, still, as it is shown by the defendant's letters to Mr. Salmon, in May, 1824, that he then knew that gentlemen to be the Spanish charge d'affaires; if he had afterwards ceased to be so, it lay on the defendant to prove it. Knowing him once to have been entitled to this character, he acted at his peril if it should turn out that that character still continued, or if, indeed, the reverse should not be proved.

But, in point of law, it is immaterial whether the defendant knew that the person assaulted, was the charge d'affaires or not. And this point, also, was decided in the case before referred to, of *United States vs. Liddle*.

As to the Spanish decrees, alluded to by the counsel for the defendant, there is no evidence given of them and, consequently, they are not to be noticed by the jury. It is impossible for the court or jury

to say, whether they do or do not affect Mr. Salmon.

With this charge the jury retired,

and brought in a verdict of GUILTY upon each indictment.

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MARTIN *vs.* THE BANK OF THE UNITED STATES.

The case was argued at the last October session, of the circuit court of the United States for the second circuit, upon a statement of facts, which set forth, that the plaintiff was the owner of a number of notes of the bank of the United States, amounting, in the whole, to \$500, which his agent, after the publication of a notice by the directors that the bank would not pay cut notes unless all the parts were produced, divided into halves at Cincinnati, Ohio, and forwarded in two parcels, by different mails, for Philadelphia, one of which parcels never arrived. The demand of the plaintiff was for the payment of the full amount of the notes.

Mr. Binney argued for the plaintiff, and Mr. Sergeant for the U. S. bank.

The opinion of judge Washington was as follows :

WASHINGTON, J.—I have carefully reviewed the decision of this court in the case of *Bullet vs. the bank of Pennsylvania*, aided by the light shed upon the question involved in that and the present case, by the able argument of the counsel on each side. My opinion remains unchanged, and is, indeed, confirmed by the two American cases cited at the bar, and particularly the luminous argument of judge Drayton, in the case of *Patton vs. the State Bank*.

The principles upon which this

court decided the case of *Bullet vs. the bank of Pennsylvania*, were, that a bank or any other promissory note, is the evidence of a debt due by the maker to the holder of it, and nothing more. It is, also, the highest species of evidence, if it be in the power of the owner of the note to produce it. But, if it be lost, or destroyed, or by fraud or accident has gone into the possession of the maker, the owner does not thereby lose his debt, but the same continues to exist in all its vigor, unaffected by the accident which has deprived the owner of the means of proving it by the note itself. The debt still existing, the law, which always requires of a party that he should produce the best evidence of his right of which the nature of the thing is capable, permits him, where such better evidence is lost, or destroyed, or not in his power, to give inferior evidence ; by proving the contents of the lost paper, and if this be satisfactorily made out, he is entitled to recover.

If the evidence be not lost, but is merely impaired by accident, or even by design, if such design be not done to injure the maker or to cancel the debt, the principles of law is the same. Cutting a bank note into two parts, does not discharge the bank from the debt of which the note was but the evidence, nor does it even impair the



evidence itself, if by uniting the parts, the contents of the entire note can be made out. If one of the parts should be lost or destroyed, the debt would be no more effected than if the entire note had been lost or destroyed. The evidence is impaired, indeed, not only by the act of cutting the note, but by the same accident which would have effected the entire note had that been lost. In both cases, the owner must resort to secondary evidence, and is bound to prove that the note did once exist, that it is lost or destroyed, and that he is the true and bona fide owner of the debt. If one part only of the note be lost, the difficulty which the real owner of it has to encounter, in proving his right to the debt, is diminished. For if the entire note be lost to the owner of it, at the time of the accident, he may not be entitled to the debt of which it was the evidence at the time he demanded payment, because the note, passing from hand to hand, by bare delivery, may have been found, and have got into the possession of a bona fide holder. But against the real owner of one half of the note there cannot possibly be an opposing right. The finder, or robber, of the other half part, cannot assert a right to the debt, because he cannot prove that he came fairly to the possession of the evidence of it. I speak judicially, when I say he cannot prove this fact, because he cannot do it without the aid of perjury, which the law does not presume, and can in no instance guard against.

If the lost half note gets fairly into the hand of a third person, he takes it with notice that there may be a better title in the possessor of the other half, and, consequently,

he looks for indemnity to the person from whom he received the half part, if it should turn out that he was not the real owner of the entire note. It is impossible, therefore, that the bank can be legally called upon to pay the note twice; and if the officers of the institution suffer themselves to be imposed upon, by insufficient or false evidence, by which means the bank is brought into this predicament, she must abide the loss, as being occasioned by an error of judgment in the officers of the bank, or their want of due caution. The law cannot adapt its provisions to every possible case that may occur, and it therefore proceeds from necessity upon general principles, applicable to all cases. If upon any other ground than fraud and perjury, the maker of the lost note may, by possibility, be twice charged; the law will not expose him to that risk, by relieving the asserted owner of it, not because there may be imposition in the case, or because the debt ought not to be paid, but because the proof that the claimant is the real owner of the debt is defective; for it by no means follows, that because the lost note did belong to him, that it may not be the property of some other person. A court of law, therefore, will, in such a case, dismiss the party from a form which has no means of securing the maker of the note against a double charge, and leave him one, where those who ask of it equity, will be compelled to do equity.

The case, then, resolves itself very much into a question of jurisdiction. For it is quite clear, that the real owner of a debt, the evidence of which is lost, is entitled



to supply the want of the better evidence, by that which is secondary ; and this rule of evidence is the same in equity, as at law. But whether the application for relief shall be in the one court or the other, must depend upon the particular case, and its fitness for the one jurisdiction or the other.

Many difficulties were stated by the defendant's counsel, to which the practice of cutting the notes and transmitting them by mail, exposes banking institutions, in identifying the part of a note when produced for payment. That these difficulties do, in a measure, exist, must be admitted ; but the bank knows there can be but one owner of the note, and who that one is, must be satisfactorily proved, to entitle him to the payment of it. The bank has a just right to call for such proof ; and if it be truly and faithfully given, there can be no risk in paying it. The possessor of the other part of the note, as already observed, by whatever means acquired, can never oblige the bank to pay the money over again to him. But after all, the rule of law does not rest upon these circumstances. The maker of the note is bound to pay to the person who proves himself to be the legal owner of it, and the difficulties complained of are not greater than those which attend most litigated questions. It may not be improper here to observe, that the decision in the case of *Bullet vs. the bank of Pennsylvania*, did not proceed upon any usage applicable to the case, none such was stated in the case agreed, or alluded to by the court. The next question is new ; no case like it was cited at the bar, nor is there any within the recollection of the

court. It is, nevertheless, within the range of some general principles of law, by the light of which, I think, it may be decided.

The question is, whether it was competent to the bank to notify the holders of her notes, that in case they should be voluntarily cut into parts, she would not pay them, unless all the parts should be brought together.

I mean to treat the question as if the notice were brought home to the plaintiffs. It is unnecessary in this case to decide how far parties to a contract may, by positive stipulations, change the rules of evidence applicable to that particular contract. If they may do so, it must be upon the basis of an agreement assented to by both parties.

But upon what principle is it, that one party to a contract can prescribe terms to absolve himself from the obligation, without the assent of the other. I know of none. If the banks could dictate to the holders of her notes the condition stated in this notice, upon the performance of which, and not otherwise, she would pay them, she might with equal authority prescribe any other condition, and declare in what case she would pay, and in what case she would not. The note is the evidence of an engagement by the bank to pay a certain sum of money to the bearer of it, and the general law of the land declares, that if such note or a part of it should be lost or destroyed, the debt shall nevertheless be paid upon satisfactory proof being made of the ownership or loss. Thus sanctioned these notes pass from hand to hand ; and if the bank can nevertheless discharge herself from the obli-

gation to pay them, unless both parts of the note be produced, or unless the note be produced entire, (and there is no difference between the two cases,) then the arbitrary declaration of the bank must be stronger than the law. This observation applies with equal force to every other species of contract, where one of the parties to it attempts to prescribe to the other the rules of evidence by which alone he will be governed.

I thought the defendant's counsel seemed unwilling to contend that the bank could go the length of declaring that they would not pay a lost note, or one which had been torn or defaced by accident; but if the court is correct in their opinion upon the first point, it follows, that the law as much as compels the bank to pay the owner of half a note, where the other half is lost, as to pay in the two cases supposed; and if so, the right of the bank to prescribe terms in the one case, if admitted, would be equally valid in the others. There can be no difference, unless it be, that in the one, the notes were voluntarily cut, in the other, they

were torn by accident; but the owner of the debt being also the owner of the paper which is the evidence of it, he had a legal right to cut it; and by doing so, he could not impair its obligation, unless he intended to do so. In all these cases, the note is cut with a view to the security, not the destruction of the debt, by dividing the chances of preserving part of the evidence of it, in case the other part should be lost. The defendants do not condemn the practice, even if it could for a moment be admitted that they had a right to do either. That is not the *gravamen* stated in the notice—it is the production of one of the parts for payment unaccompanied by the other part. That is the case in which the bank declares she will not pay, and in which the law pronounces she shall pay.

I am of opinion, that judgment should be entered for the plaintiff.

PETERS, Justice, delivered his opinion, entirely concurring with that of judge Washington.

Judgment for plaintiff for the full amount of the notes.

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*Six hundred and fifty-one Chests Hyson Skin Tea.*

LIPPINCOTT & Co. *claimants*, *ad.* THE UNITED STATES.

This case comes up on a writ of error to the district court of the southern district of New York. The seizure of the teas having been made upon land, the information was filed in that court, as a court of common law, and the cause tried by a jury, and a special verdict found, which ascertains and settles all matters of fact in the cause.

The information sets out, that the teas were imported into the United States in July, 1825, from Canton, in the ship Benjamin Rush, and were subject to the payment of duties, and then alleges the following grounds upon which the forfeiture is claimed:

1st. That the teas were unladen and delivered from the ship or vessel in which they had been import-

ed at Philadelphia, without having been *entered* at any custom house, or in the office of any collector of the customs in the United States, and without any *permit* from any collector or naval officer; and that the duties imposed by law on the said teas had not been paid or secured to be paid to the United States.

2d. That the teas so imported ought, according to the provisions of the act in such case made and provided, to have been *marked, and accompanied with the certificates required by the act*; and were found concealed in a store in Pearl street, in the city of New York, in the possession of some person unknown to the district attorney, *unaccompanied by the marks and certificates* prescribed by law, and that the duties had not been paid or secured to be paid.

3d. That the said teas, so imported, &c. ought to have been marked, and accompanied with certificates, as required by the act in such case made and provided; and were found in a store in Pearl street, in the city of New York, in the possession of Smith and Nicoll, *unaccompanied by such marks and certificates* as are prescribed by law, on which said teas the duties have not been paid or secured to be paid.

To this information Lippincott & Co. interpose their claim and answer, setting out particularly and circumstantially the importation of the teas by Edward Thompson—that they were duly entered at the custom house in Philadelphia, and unladen and landed in the presence of a custom house officer, under a permit from the collector, and each chest duly inspected, weighed, marked and numbered, and a cer-

tificate issued accompanying each chest, as by law required. That Thompson, the importer, gave his bond for the duties. That the teas were deposited in store according to the provisions of the 62d section of the collection law of 2d March, 1799, (3 vol. L. U. S. 193,) and then setting out the purchase and transfer of the teas to the claimants, and denying all knowledge of the teas having been illegally or in any improper manner taken from the stores where they were deposited. And traversing the allegations in the information, that the teas were unladen, and delivered without having been duly entered or without a permit, or without the duties having been paid or secured to be paid, or that the teas were concealed, unaccompanied with the marks and certificates prescribed by law.

The special verdict finds, that the teas were imported, entered, landed and inspected according to law, and as set forth in the claim and answer.

That the duties imposed by law on the teas, had not been paid, nor secured to be paid in any other manner, than by said Thompson's general bond, and by storing said teas as provided by law, and in the manner set forth in the claim and answer.

That when the teas were found in New York, the certificates provided by law to accompany each chest, did not accompany them, but were in Philadelphia, in the hands of the claimants, but that each chest bore all the marks required by law, and as set forth in the claim.

That the teas were not concealed as set forth in the information.

That the claimants, until after

the teas were found in New York, were wholly ignorant of the manner in which the same had been obtained from the store in Philadelphia, without paying the duties due thereon, or giving further bond to secure the same.

And that the teas were transported to the city of New York, in the manner set forth in the claim.

In examining the questions which are presented by this case, it is to be borne in mind, that it is a proceeding against the teas *as forfeited* to the United States, by reason of an alleged violation of some part of our revenue laws; and not to regain the possession of the property, of which the United States may have been wrongfully or fraudulently deprived; so as to enable them to enforce payment of the duties for which there may be a lien. And it is a proceeding to enforce their forfeiture against innocent bona fide purchasers of the property, who are not chargable with the least misconduct or even negligence, by which the government lost the possession it once had of the teas. The manner in which, or the means by which that possession has been lost, are not particularly disclosed by the record. But enough is shown to warrant the conclusion, that it must have been effected by the misconduct or negligence of some of the custom house officers at Philadelphia and some other persons, for neither of whom, however, can the claimants be held responsible or be in any manner implicated by their acts. If, under such circumstances, the teas in question have become *forfeited*, it ought to be the result of some plain and positive provision of law. Whilst on the one hand

try may require rigid laws to guard against fraud, yet on the other, the rights of the innocent ought to be protected, and care should be taken not so to shackle trade and commerce, as to check the industry and enterprise of the merchant, and render hazardous to the whole community the purchase of articles which may have been subject to the payment of duties. I am not aware of a single instance, where by any positive provision in the revenue laws, a forfeiture is incurred, that it does not grow out of some fraud, misconduct, or negligence of the party on whom this penalty is visited. In the case of the United States vs. the cargo of the sloop Favorite, (4 Cranch, 365,) to which I shall have occasion hereafter more particularly to refer; the supreme court of the United States, in speaking of the provisions in the collection law of 1799, relative to forfeitures, say, "that the law is not understood to forfeit the property of owners or consignees on account of the misconduct of mere strangers, over whom such owners or consignees could have no control." And if not on account of the misconduct of strangers, much less justice would there be, in making the misconduct of the custom house officers, who are the agents of the government, draw after it such a penalty upon the innocent owner.

With these preliminary observations I shall proceed to a more particular examination of the several grounds upon which the forfeiture of these teas is attempted to be sustained, and which may be done under the following heads.

1st. That certificates did not accompany each chest of tea when found in New York.

2d. Whether by the general bond of Edward Thompson, the importer, *and the deposit of the teas* in store, according to the provisions of the *sixty-second* section of the collection act of 1799, the duties were *secured* within the meaning, and true interpretation of the *forty-third* section of the same act.

By this law, from the 37th to the 43d sections, inclusive, various provisions are made with respect to the entry, and landing of distilled spirits, wines and teas; and among other things it is required, that the officers of inspection, at the port where the same shall be landed, shall, upon the landing thereof, mark in *durable characters*, the several casks, chests, vessels and cases containing the same, showing the quantity, and quality, of each; the port of importation, the name of the vessel, the surname of the master, the date of the importation, and the name of the surveyor or chief officer of inspection for the port. The special verdict finds, that all this was done with respect to the teas in question, and that such marks were upon each chest, when they were seized.

The surveyor or chief officer of inspection, within the port or district in which the spirits, wines and teas shall be landed, is required to give to the proprietor, importer or consignee, or his agent, a general certificate, which he is to retain, showing the whole quantity so imported; and the name of the proprietor, importer, consignee, or agent, and of the vessel from on board which the spirits, wines or teas, shall have been landed, and the marks of each cask, chest, vessel or case, containing the same.

In addition to this *general certificate*, the surveyor, or chief officer of

inspection, is required to give a *special certificate*, which shall accompany each cask, chest, &c. wherever the same may be sent within the limits of the United States, *as evidence that the same has been lawfully imported*. It is the latter *certificate*, that the special verdict finds did not accompany each chest of tea when found in New York. The certificates, however, were duly issued by the surveyor, and were in the possession of the claimants in Philadelphia, when the seizure was made.

Then comes the section, (43) under which the forfeiture is claimed, which declares, that the proprietor, importer or consignee, or his agent, who may receive said certificates, shall, upon the *sale or delivery* of any of the said spirits, wines or teas, deliver to the *purchaser* thereof, the certificate that ought to accompany the same, on pain of forfeiting the sum of fifty dollars for each cask, chest, &c. with which such certificate shall not be delivered. And if any cask, chest, vessel or case, which by the foregoing provision ought to be marked, and accompanied with certificates, shall be found in possession of any person, *unaccompanied with such marks and certificates*, it shall be presumptive evidence, that the same is liable to forfeiture, and it shall be lawful for any officer of the customs or of inspection, to seize them *as forfeited*.

The form of this special certificate is given in the act and contains substantially no more than the law requires to be expressed by the marks on each cask, chest, vessel or case, and it is to accompany each cask, chest, &c., as evidence that the same *has been lawfully imported*. It is by no means, however,

to be inferred, that this is the only document or evidence to be received and looked to, showing a lawful importation. It is one of the checks which the law has provided, to guard against illegal importations. The marks are for the same purpose, and of at least equal, if not of more importance. They are required to be made in *durable characters* on each cask or chest, &c., and must of course accompany it wherever it goes. The certificate, from the very nature of the document, cannot always accompany the cask or chest. It is not required to be nailed to it. And the act only requires, that upon the *sale* or *delivery* of the teas, &c., the certificate shall be delivered to the *purchaser*. And when it speaks of the cask or chest being found in possession of any person, unaccompanied by this evidence, it must be intended to refer to the person who has possession as purchaser. And to authorize the seizure, the cask or chest must be unaccompanied with such marks *and* certificates. The absence of both are necessary. This is not only made so by the letter of the act, but is what may reasonably and fairly be presumed to have been the intention of the legislature. And when the law has declared that two concurring circumstances, shall authorize an act, and produce a certain effect, it is going great length in the construction of a statute so highly penal as this, to say, that one *or* the other circumstance shall produce the same effect, and that both need not concur. It was the want of the certificates only, upon which the seizure was made, and if the condemnation is to be sustained, it must be upon this alone, for the chests were all duly marked as by law required. The

reasonableness and necessity of requiring the want of both marks and certificates to warrant a seizure and condemnation, may be illustrated and enforced by a hypothetical case. Suppose a chest of tea sold in the usual course of business, and the certificate delivered as the law requires to the purchaser, and the tea sent by a cartman to the place where it was to be used or retailed, unaccompanied by the certificate, would a custom house officer be authorized to seize this chest of tea, and would condemnation follow thereupon? I presume no one would contend for such a construction of the act; and yet would it be more extravagant than a construction must be which sustains the forfeiture in the present case. The claimants, as owners of the teas, were entitled to the possession of the certificates, and in fact, bound to have them, as one of the vouchers of their title, and not having *sold* the teas, there was no *purchaser* to whom the certificates could be delivered as the law requires. It is upon the *sale* or delivery of the tea, that the law requires the certificates to be delivered over to the *purchaser*. And if the owner is wrongfully or fraudulently deprived of the possession of his teas, it would involve a great absurdity to say he is bound, under the penalty of forfeiting his property, to hand over the certificates to the wrong doer. Have the claimants incurred the penalty of fifty dollars for each chest which the law imposes upon the proprietor for not delivering the certificates to the purchaser upon the sale of the teas? Certainly not. It would seem to me, that the claimants might, with equal justice, to be subjected to a forfeiture of their property, if it had been stolen



and afterwards found in the possession of some persons unaccompanied with the certificates. But these and the like extraordinary cases, do not come within the sense and meaning of the law, which is adapted to a regular and usual course of business, and where it is in the power of a party to comply with the requirements of the law ; and not to cases where, from the nature of things, a compliance with the letter of the law is impracticable. The want of the certificates was open to explanation, and was satisfactorily accounted for. In the case of the cargo of the *Favorite*, (4 Cranch, 363,) the court say, "it is unquestionably a correct legal principle, that a forfeiture can only be applied to those cases in which the means that are prescribed for the prevention of a forfeiture may be employed." To apply this principle to the present case. The claimants were ignorant of the fact, that these teas had been illegally taken from the stores in Philadelphia. Nor is it pretended that it was done by any one for whom they are responsible. What means then were in their power to guard against the forfeiture now claimed.

These considerations show the propriety of requiring, that, in order to make out a *prima facie* case of seizure and forfeiture, the teas should have been unaccompanied with both marks *and* certificates. But this will appear in a still more obvious point of light by an inquiry, as to the necessary allegations in the informations. Would it have been sufficient to have alleged that the teas were found in the possession of Smith and Nicoll *unaccompanied with the certificates only*? I think it would not. And such must have been the understanding of the

district attorney in framing this information, otherwise he would not have alleged the want of both marks *and* certificates, in the language of the act, as it must have been known that the proof would not sustain such an allegation. The want of marks is certainly not an immaterial allegation, and having been made, it was necessary to be proved.

The reverse of which, however, is found by the special verdict, which establishes the fact, that each chest when found, bore all the marks which the law requires. The proof, therefore, did not support the allegation, (and as I think, a necessary allegation,) in the information.

But it is said the want of marks and certificates, is not the ground of forfeiture, but only authorises the seizure, but that the condemnation is for illegal importation, and non-payment of duties. This, I apprehend, is not a correct view of this 43d section of the act. Nor is it the construction assumed in the information. The want of marks and certificates, is alleged as the substantive ground of forfeiture. The marks and certificates have no connection whatever with the payment of duties. They relate altogether to the importation. With respect to the certificate, the 41st section of the act expressly declares, that it is to accompany each chest, *as evidence that the same has been lawfully imported*, and the marking is by the officers of inspection, who are under the superintendence of the surveyor, under whose direction the teas are to be landed, the duties, however, or the security for the same, are received by the collector. The existence of marks



and certificates being no evidence of the payment of duties, the want of them can afford no presumption of the non-payment. And if the want of the certificates in the present case, was presumptive evidence of illegal importation. That presumption is rebutted by the special verdict, which finds expressly, that the teas were legally imported. The condemnation, therefore, cannot be sustained on any presumption of illegal importation. And if the certificate has no connection with the payment of duties, the want of it, as has been already observed, affords no presumption of non-payment.

But let us look a little more particularly into the provisions of this 43d section, and see whether the want of marks and certificates is not the substantive ground of forfeiture. And one of the surest tests by which to ascertain this, is to see what allegations the information must contain. And I think it is very clear, that it is not necessary to allege any thing more, than that the teas were found in the possession of some person *unaccompanied with marks and certificates*. This the act declares shall be presumptive evidence that the teas are liable to forfeiture, and may be seized *as forfeited*.

The act does not declare, that want of marks and certificates shall be presumptive evidence of illegal importation, or the non-payment of duties, which it would undoubtedly have done, if this was made the substantive ground of forfeiture under this section. The ultimate object of the provision undoubtedly is, to guard against illegal importations, and compel the introduction of goods through the regular channel provided by law. But the act

makes the want of marks and certificates *prima facie*, sufficient to sustain the forfeiture. The information need not allege an illegal importation or the non-payment of duties. The act makes it *matter of defence* to show the teas were legally imported, and the duties paid or secured, and it is never necessary to state in a libel any fact which constitutes the defence of the claimants, or a ground of exception to the operation of the law on which it is founded. This has been expressly so laid down by the supreme court of the U. S. (7 Cranch, 382.) If the information then need only allege that the teas were found unaccompanied with marks and certificates, no more need be proved, *prima facie*, to warrant a condemnation; and unless the claimants should set up as matter of defence, evidence in relation to the importation or payment of duties, the only ground of condemnation would of course be the want of marks and certificates, and for this the act declares the teas shall be adjudged to be forfeited, unless the claimant upon the trial, shall prove the same to have been imported according to law, and the duties paid or secured. So with respect to all the other provisions in the act, where the penalty of forfeiture is inflicted, they may be considered as having for their object, to guard against illegal importations and to secure the payment of duties, yet it cannot, with propriety, be said, that the illegal importation, or non-payment of duties, is the ground of forfeiture. This is incurred by a violation of the special regulations which the law has provided, as guards and checks. Thus to unlade goods before the vessel comes to the proper place for the discharge of the cargo, or

without authority from the proper officer, subjects them to forfeiture, but it is enough to allege, and prove the simple fact of the unlading at an improper place, or without a permit, without alleging or proving that the importation was illegal or the duties not paid, (27th.) So under the 37th and 38th sections of the act, spirits, wines, and teas required to be landed, under a special permit, endorsed as therein prescribed, and under the inspection of the surveyor or other officer acting as inspector of the revenue, on pain of forfeiture. In these and many other cases that might be referred to, it is the violation of the special regulation, that is made the ground of forfeiture. In the same manner as the want of marks and certificates is the ground of forfeiture under the 43d section.

I am persuaded, that under the extraordinary circumstances of this case, the single fact, that the teas were unaccompanied by the *certificates*, when found in New York, is not sufficient to sustain the condemnation. It is neither within the letter or spirit of the act. And cannot be supported under any rule of construction applicable to penal statutes.

The case of the United States, vs. the cargo of the ship Favorite, already referred to, contains principles and rules of construction which have a very strong bearing upon the present case. The goods libelled in that case, consisted of wines, spirits, and other articles, saved from a wreck, and landed not in conformity to the regulations of the law with respect to such articles. The libel alleged as ground of forfeiture: 1st—That the wines and spirits were unaccompanied with the marks and certificates re-

quired by law. And 2dly—That they were removed without the consent of the collector, before the quantity and quality of the wines and spirits had been ascertained according to law. The facts alleged in the libel as the grounds of forfeiture were not controverted. There was, therefore, clearly a forfeiture according to the letter of the law. And it was urged upon the event, that the remission or mitigation of the forfeiture could only be exercised by the secretary of the treasury. One count in the libel in that case was under the 43d section of the act, like the present, and the want of marks and certificates alleged as the ground of forfeiture. And the court said the legislature, by the provisions referred to, did not intend to comprehend wrecked goods, or goods found under like circumstances. And this opinion of the intention of the legislature, was formed not exclusively upon the extreme severity of such a regulation, but also on what is deemed a fair construction of the language of the several sections of the act, which seems not adapted to such cases.

And with respect to the other ground alleged, as sustaining the forfeiture. The court said the removal, for which the act punishes the owner with a forfeiture of his goods, must be made with his consent or connivance, or with that of some person employed or trusted by him. If by private theft or open robbery, without any fault on his part, his property should be invaded while in the custody of the officers of the revenue, the law cannot be understood to punish him with forfeiture of that property. The acts being done with no view to defraud the revenue,

the court would not be induced to put a strained construction on the act of congress in order to create a forfeiture.

May it not with equal force and propriety be said, that the legislature never intended to apply the penalty of forfeiture to goods found under circumstances like the present? And, indeed, this is a stronger case; for it does not come within the letter of the act. The marks did accompany the teas. The certificates only were wanting; and they wanting, under circumstances satisfactorily showing that no fault or negligence was imputable to the owners, any more than if the teas had been stolen from the stores in Philadelphia. And the principles laid down by the court in the case referred, apply with peculiar force—"that a forfeiture can only be applied to those cases in which the means prescribed for the prevention of a forfeiture may be employed; and that law is not understood to forfeit the property of owners, on account of this misconduct of mere strangers, over whom such owners could have no control."

I abstain from any remarks in relation to the conduct of the officers of inspection, who had charge of the store house in Philadelphia in which the teas were deposited, except, barely to observe, that the teas could not have been removed without fraud or gross negligence in them; and it would be dangerous, and a violation of all sound principles, to admit a construction of the law, which, in its consequences, might reward such misconduct with a portion of the forfeiture. For if these teas are forfeited, they would have been equally liable to forfeiture, if they had been seized by a

custom house officer in Philadelphia, whilst on their way from the store to the vessel in which they were transported to this city.

So far as the forfeiture may be claimed on the allegation of concealment, it is sufficient to say, the fact is expressly disproved by the special verdict.

There was not, therefore, made out, on the part of the United States, the presumptive evidence which the 43d section of the act declares shall render the property liable to forfeiture. And the claimants were under no necessity of proving that the teas were imported into the United States according to law, and the duties paid or secured.

This would supersede the necessity of examining the second point that has been made in this cause. But as the question has been fully argued, it may not be amiss for me briefly to state the view I have taken of it. The special verdict puts at rest all questions that could arise respecting the legality of importation. And under this branch of the case, the only inquiry is, whether, by the general bond, (as it is called,) of the importer, and the deposit of the teas as required by law, in such cases, the duties were secured within the meaning, and true interpretation of the 62d section of the act.

If we look at this question upon general principles, and judge of it according to the common or legal understanding of such a transaction, independent of any statutory provision, no doubt could arise. To say that a bond, fixing the amount of a debt, and limiting the time of payment, accompanied with a deposit of goods to double the amount in value, to be held as a pledge,

with authority to sell the same at the expiration of the time limited for payment, and out of the proceeds to pay the debt, is not a security for such a debt, would be considered an extraordinary proposition and could not be sanctioned. If so, is there any thing either in the letter or in the spirit and policy of the collection law, calling for the application of other and different principles? This 62d section of the act declares, that with respect to teas imported from China or Europe, it shall be at the option of the importer to be determined at the time of making the entry, either to secure the duties thereon, on the same terms and stipulations as on other goods, &c., or to give his own bond in double the amount of the duties, with a condition for the payment of the duties in two years from the date of the bond, which the collector is directed to accept without *surety*, (that is to say personal surety,) upon the terms particularly specified in the act: which are substantially, that the teas shall be deposited at the expense of the importer, in a store house, to be agreed upon between the importer of the revenue, upon which store house the inspector is required to affix two locks, the key of one to be kept by the importer and the key of the other by the inspector, who shall attend, at all reasonable times, for the purpose of delivering the teas out of the store house. But no delivery is to be made without a permit in writing from the collector and naval officer. And to obtain such permit, the duties upon the teas so to be delivered, must be first paid to the collector, or a bond with sureties to the satisfaction of the collector, given in double the amount of the duties,

payable as specified in the act. And if the duties, on any parcel of the teas, shall not have been paid or secured to be paid in the manner last specified, (that is, by bond with sureties,) within the term of two years, the collector is authorised and required to sell so much of the teas, as may be necessary to pay the duties and expenses on the teas *remaining in store*, and to return the overplus, if any, to the *owner or owners* thereof.

There is nothing in this provision essentially to vary it from the ordinary deposit of goods between individuals, as a pledge to secure the payment of a debt. It is unimportant that the importer was liable for the duties without his bond, or that the government had possession of the teas, and a lien for the duties before the deposit. Of this there can be no doubt.— But the government, by the provisions of this act, has agreed to hold this security under a different modification, and with different powers, than it possessed before. And whether this arrangement is exclusively for the accommodation and benefit of the importer or not, cannot alter the question. The possession of the property, and the liability of the importer, constituted the security which the government had for the duties. And that continues until discharged, from time to time, upon different parcels of teas delivered out of store, under the permit of the collector, according to the provisions of the act. And what security could be more ample and satisfactory to the government? It is much more safe than the personal responsibility of individuals, especially upon so long a credit as two years. This security cannot be lost, without the

misconduct of the agents of the government. I do not mean to be understood, that the lien is discharged by any such misconduct, if possession is regained so as to enable the government to enforce the lien. But how long such lien continues, after the teas have got into circulation in the market, is a question I leave untouched. If the teas remain in store for the two years, under the general bond, can it with any propriety be said, that the government has no security for the duties? The law does not authorise the landing until the duties are paid or secured. And if the general bond of the importer, and the possession of the teas, landed and held under the inspection and control of the officers of the customs, (according to the 38th section of that act,) and the election of the importer, to have them deposited in stores, do not constitute the security; by what authority were they landed? The security required to be given, upon granting the permit, to deliver the teas out of store in parcels, cannot be the security required upon landing. That is an after transaction, and totally distinct in its provisions. The one is the general bond of the importer, on a credit of two years, and a deposit of the teas in store. The other, the personal security of individuals for the duties upon the particular parcels delivered out of store, and payable at much shorter periods, according to the amount of duties. The latter is *protanto* a *substitution* for the former. If, at the expiration of two years, the duties shall not have been paid, or secured by bond, with sureties, so as to discharge the lien, the teas are dealt with in the same manner as property pledged in ordinary

cases as security for a debt. They are to be sold, and the debt and expenses paid, and the surplus returned to the owner, not forfeited.

The acceptance of goods, as a deposit for the security of duties in lieu of personal security, is a provision, incorporated in all our collection laws, from the first organization of the government, to the present time. (See acts 89 and 90, 2d vol. L. U. S. 23 and 161—act 99, 3d vol. Id. 195.) The collector, in lieu of sureties, is authorised to accept of a deposit of so much of the goods, as shall, in his judgment, be sufficient security for the amount of the duties for which the bond shall have been given: which goods are to be kept at the expense and risk of the party on whose account they have been deposited, until the bond becomes due; and if the bond shall not then be paid, so much of the deposited goods, as shall be necessary to pay the same, with the costs and charges, are to be sold.

These are essentially the same provisions as those in relation to teas. There is a bond in both cases given by the importer. The goods are substituted in place of *sureties*, and are called a *déposit*. If the bond in each case shall not be paid according to its condition, the goods are to be sold, and the duties and expenses paid, and surplus returned to the owner. There can be no reason why the same meaning should not be attached to the term *déposit* in both cases. If in the one case it has a technical meaning, and signifies a pledge, I am unable to discover why it should not have the same meaning in the other. The only difference between the cases is, that with re-

spect to teas there is a deposit of the whole, and the lien continues, until discharged by a *substitution* of personal security, as they are delivered out of store, in parcels, as may be required. And with respect to other goods, a part of the importation on which the duties were payable, are received as a substitute for sureties, and the lien on the residue is at once discharged. But this cannot materially change the essence and nature of the transaction. The deposit, in both cases, is in lieu of personal sureties. For with respect to teas, as well as other goods, the importer has an option to give a bond with sureties instead of making a deposit.

The different modes of securing duties, when not paid at the time of the entry, are all prescribed in this same 62d section. It may, in all cases above \$50 in amount, be done by the bond of the importer with sureties. And upon all goods, except teas, by a like bond for the amount of duties, with a deposit of goods sufficient to pay such duties and expenses. And with respect to teas, a bond in double the amount of duties, with a deposit of the teas, according to the special regulations pointed out in the act. This appears to me to be the plain and obvious interpretation of this section of the law. And whenever the terms "*duties secured*" occur, as they do in various parts of the collection act, they embrace these different modes, unless penal-ly restricted to one or the other, as they sometimes are.

To consider the deposit of teas in stores as done merely for safe keeping, and because the importer is not able to find personal securities for the duties, does not

strike me as being a just construction of this provision. If such had been the sole object, and possession retained by the government with no other view, that possession would, as in other cases where duties are not paid or secured at the time of entry, have been held exclusively by the revenue officers. Instead of which, the possession is held jointly by the importer and the inspector, at a store agreed upon between them, and under two locks, the key of one to be kept by the importer or his agent, and the key of the other by the inspector; so that all lawful interference with such deposit, until the expiration of two years, by one party, without the assent of the other, is rendered impracticable. All this shows an arrangement, with the concurrence of two parties, having the right and the power to act on the subject; and not the act of one, by reason of the inability of the other to avoid it. It is a course submitted by law to the *option* of the importer; and to say he was driven to it, on account of his *inability* to elect the other alternative, would seem rather more like aggravating his necessities, than, fairly presenting to him an option, which necessarily implies the ability to choose. The construction I have given to the provision, is, in every respect, calculated for the security of the revenue, and the accommodation of the merchant. The inspector is required to attend at all reasonable times, to deliver out such parcels of teas as may be required, under the permit of the collector, on the duties being paid, or secured by bond, with sureties, which is to be accepted as a substitute for such parcels; by which the government



is amply secured, and the interest and convenience of the importer greatly promoted. But any other construction would be interposing greater restrictions and embarrassments, with respect to the importation of teas than any other articles, which was clearly not the intention of the law.

The duties were, therefore, in my judgment, secured by the general bond of the importer, and the deposit of the teas in stores according to the provisions of the act, as found by the special verdict. And if so, where is the ground of forfeiture? No fault has been imputed to the owner. Forfeiture, throughout the act, is visited only upon fraud, misconduct, and gross negligence, in the party or his agents. Admitting the lien for the duties still continues, and that the government has a right to reclaim the possession, and enforce the payment of the duties, (which, by the by, are not yet due;) that would seem to be all that justice would demand, or policy require against an innocent party. But to follow this up with the penalty of forfeiture, under such circumstances, is what I should be very unwilling to sanction. I find no special provision in any act of congress calling for the application of such a severe rule, and it is, certainly, at variance with the general principles of law. All that can be claimed out of property pledged or mortgaged, is satisfaction of the debt, for which it is held as security, and the expenses incurred by reason of a non compliance with the condition upon which it is so held.

It was said at the bar, that the same principle which is expressly adopted in the 5th section of the act of the 20th of April, 1818, (6

vol. L. U. S. 354,) with respect to wines and distilled spirits, is by implication applicable to the teas in question. Should this be conceded, (which, however, is not,) it would not draw after it a forfeiture in the present case.

That act adopts substantially the same provisions with respect to the deposit of wines and distilled spirits, as are contained in the 62d section of the collection law, with respect to teas. And then the 5th section declares, "That if any wines or other spirits, deposited under the provisions of this act; shall be embezzled or fraudulently removed from any store wherein they shall have been deposited, they shall be forfeited. And the person or persons so embezzling, hiding, or removing the same, or aiding therein, shall be liable to the same penalties, as if such wines had been fraudulently unshipped, or landed without payment of duty."

This forfeiture here, can only arise upon the embarrassment or fraudulent removal by the owner, or some person for whom he is responsible. It would surely not be incurred by the acts of mere strangers, or the inspectors of the revenue, who are the agents of the government.

The rule I have before referred to, would apply with peculiar force to such a case, "that the law is not understood to forfeit the property of owners on account of the misconduct of mere strangers, over whom such owners would have no control."

Upon the whole, then, after the most mature and deliberate examination of this case, I am of opinion, that no forfeiture of the teas in question has been incurred, and the sentence or decree of condemnation must be reversed.



## LAWS CONCERNING DIVORCES.

*The following case of DIVORCE was decided in the state of Tennessee, at the Supreme Court of Errors and Appeals.*

Mary Dickson petitioned for dower in the estate of her late husband, John Dickson. She had been previously married to Benjamin May, of Kentucky, from whom she had been divorced by the laws of that state, which prohibit a second marriage between parties divorced during the lifetime of either of the parties. The petitioner removed to Tennessee, and there was married to John Dickson, during the lifetime of her late husband, Benjamin May. The heirs at law of John Dickson, by a former wife, resisted the demand, on the ground that the second marriage was unlawful. The following is the reluctant opinion of the court :

The inquiry with this court is not, nor cannot be, whether the laws of Kentucky have been violated by this second marriage—but have our laws been violated? The act of 1820, ch. 18, against bigamy, declares it felony for any person to marry, having a former husband or wife living. Mary May had no husband living, and is not guilty of bigamy by our statute; nor has she violated the sanction of any penal law of this state.

No principle of comity amongst neighboring communities can be extended to give force and effect to the penal laws of the one society, ex-territorially of the other; and for many reasons, it would be equally inconvenient, not to say impracticable, to adopt the principle among sister states of the American union; for which this court has the conclusive authority

of the supreme court of the United States, in *Hutton vs. Moore*, 5 Wheaton, 69.

Therefore, Mary Dickson was lawfully married to John Dickson, and is entitled to dower.

The judge superadds the following striking remarks, well worthy the attention of legislative and judicial tribunals :

If the petitioner is permitted, by the judgment of this court, to marry after her divorce in Kentucky, which restrained her from doing so there, without being subject to pains or forfeiture of any kind in this state, the consequence will be an invitation to every divorced man or woman, who has been the offending party, and is disabled from marrying at home, in every state in the union, and all other countries, to impose themselves as adventurers upon the population of this state; which, in a few years, will run the hazard of becoming the receptacle of the refuse, proscribed, and prostituted vagabonds, outcasts from a population of fifteen or twenty millions in our sister states. The wretch who, for an infamous crime, has been for years confined in a state prison, and his wife divorced from him for this cause, may emigrate to the state of Tennessee, a single, free, and every way an unshackled man, with every privilege that the proudest possess, and here marry in safety! whereas, had he done so a few yards north or south of an ideal boundary, death, perhaps, would have been the consequence of the act.





# OBITUARY.

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**CHARLES C. PINCKNEY.**

August 16, 1825.

At Charleston, South Carolina, general Charles Cotesworth Pinckney, a distinguished officer of the army of the revolution. General Pinckney was the son of chief justice Pinckney, of the province of South Carolina, and was sent by his father at an early age, to England to be educated. At Westminster school, under the superintendence of that distinguished scholar Markham, afterwards archbishop of York, he laid the foundation of future eminence, by his progress in the attainment of classical literature. He held a high rank in the school, and early manifested that strength of character and firm adherence to principle which was his distinguishing characteristic through life.

He afterwards removed to Oxford, and thence to the Temple, where he entered as a student. After completing his education, he returned to Carolina in 1769, with a mind richly stored with learning, and with an attachment to his native country, which had not been diminished by his residence abroad. Here he devoted himself to the practice of the law, which he followed with eminent success, until the encroachments of Great Britain, and her manifest determination to reduce the colonies to unconditional submission, called him,

with most of his professional brethren, in all parts of the country, from the forensic profession to that of arms.

The law was at once renounced for the study of military tactics; and his genius and industry soon became conspicuous by his attainment of the knowledge to which he aspired. He was first appointed a captain of the line, and speedily promoted to the command of the first regiment of Carolina infantry. When the south was freed from the danger of immediate invasion by the successful defence of the fort on Sullivan's island, colonel Pinckney, eager to be in active service, joined the northern army, and was appointed aid de camp to Washington.

In this capacity he was present at the battles of Brandywine and Germantown; and by his decision, firmness, activity, and courage, acquired the entire confidence of his general. When the scene of danger was transferred to the south, Pinckney returned to the defence of his native state.

On the approach of the army and fleet which captured Charleston, the fort on Sullivan's island was intrusted to his care; but profiting by the lesson which had been given to sir Peter Parker's squadron, instead of attacking the fort, the British fleet merely delivering their fire as they passed, took advantage of

a favorable wind and tide, and sailed into the port of Charleston, beyond the reach of his guns. His post being thus rendered less important, he hastened with a part of his garrison into the city to defend the lines.

On this occasion, in a most signal manner, he manifested that determined spirit and heroic self-devotion, which was his peculiar characteristic. After a long and obstinate defence, the garrison was reduced almost to extremity. Diminished in numbers; exhausted by fatigue and famine; in an unwall-ed town merely defended by field fortifications; with a superior besieging army, pressing them on every side, and preparing for an assault, escape became hopeless, and resistance seemed unavailing.

In this juncture, a council of war was called, to deliberate on the propriety of surrendering the city. Pinckney being asked for his opinion, calmly said, "I will not say if the enemy attempt to carry our lines by storm, that we shall be able to repel them; but I am convinced that we shall so cripple their army, that though we may not live to enjoy the benefits of our resistance, yet to the United States they will prove incalculably great. Considerations of self are out of the question. They cannot influence any member of this council. My voice is for rejecting all terms of capitulation, and continuing hostilities to the last extremity." This proposition, although seconded by the gallant Laurens, was not adopted; and Charleston was surrendered to the British. After the capitulation, Pinckney was detained as a prisoner, until all opportunity of gaining fresh reputation in the field had passed.

In his captivity, however, he

gave additional evidence of his incorruptible patriotism. In order to intimidate others, Pinckney was selected as an object of oppression. Peculiar severities were resorted to. He was confined more rigorously than others, and every exertion of power was employed to crush his lofty spirit. He was even denied the melancholy consolation of attending the remains of an only son to the tomb.

The oppressions, however, of his country's foes, were but little calculated to shake his firmness. Tyranny could not bend nor break his spirit; nor could the offers, which were subsequently made him, to induce him to aid in an effort to reconcile the colonies to the mother country, shake the steadiness of his principles. To the British officer, who approached him for the purpose of engaging him to lend his influence to effect that object, he replied in such a manner; that, as that gentleman afterwards confessed, he felt humiliated by the task he had undertaken.

After the return of peace, he was elected from his native state, as a representative to the convention, which formed the federal constitution; and was very instrumental in procuring the assent of South Carolina to the system of government, which was there agreed upon as the bond of union.

When the father of his country was called to fill the presidential chair, he evinced the estimation in which he held general Pinckney, by offering to him a seat on the bench of the supreme court of the United States. This he declined.

Upon the resignation of general Knox, as secretary of war, in 1795, the vacant place was tendered to Pinckney; and again, upon the

dismissal of Edmund Randolph, the same year, Pinckney was requested to become secretary of state. From private considerations, these offers were declined ; but the subject of this notice expressed a willingness to perform any public duty, to which such considerations ought to yield.

This occasion soon arrived. In 1796, our relations with France being still unsettled, Mr. Pinckney was appointed, by general Washington, to succeed Mr. Monroe, as minister to France.

The French directory, thinking to treat us still as a dependent nation, refused to receive Mr. Pinckney ; until the grievances, demanded of the American government by the French republic were redressed.

At the same time, Mr. Pinckney was informed, that there was a law forbidding foreigners to remain in Paris, without permission from the directory, and that he would probably receive a notice on that subject from the minister of police. He determined, however, not to be placed upon that footing ; but, being accredited as the minister of an independent power, and relying upon the protection of the law of nations, remained at his post until the middle of February, 1797, in the momentary expectation of receiving instructions.

After the great and unexpected success of Napoleon, in Italy, was heard at Paris, the directory feeling emboldened by the news, sent, the next day, an official notice to our ambassador, to quit the French territories. With this order Mr. Pinckney complied, and retired to Amsterdam ; and all diplomatic intercourse between the two countries was suspended. Mr. Adams, however, was desirous to remove the

misunderstanding existing between the two countries, and, as a fresh evidence of the amicable feeling of the American government, John Marshall and Elbridge Gerry were united with Mr. Pinckney, as commissioners, for the purpose of terminating all differences between the United States and France. They arrived at Paris in October, 1797, and immediately requested an interview with the minister of foreign affairs. They were informed, that, for the present, they could not have a public audience with the directory, but cards of hospitality were sent to them.

Attempts were then made to engage them in a negotiation with informal agents of the French government ; and it was intimated to them, that a subsidy, in the shape of a loan, would be expected by the government from the United States, as an equivalent for the aid which was demanded from the American government under the treaty.

To this humiliating proposition, Pinckney indignantly made the celebrated reply, which has been adopted by the American people, as a national sentiment, "*Millions for defence, not a cent for tribute.*"

Finally, the French government commenced a negotiation with the commissioners ; but finding the commissioners well acquainted with the rights of the United States, and resolved to maintain them, its minister (Mr. Talleyrand) intimated a desire to continue a negotiation with Mr. Gerry alone, as the one "whose opinions were presumed to be more impartial, and promised more of that reciprocal confidence which was deemed indispensable." A dignified and suitable re-

ply was made to this extraordinary intimation, by the commissioners, and the negotiations were abruptly closed. Passports were shortly after sent to Messrs. Pinckney and Marshall, and they returned to the United States.

Before Mr. Pinckney arrived, the relations between the United States and France, rendered it necessary to make preparations for the defence of the country; and an army being authorised, Washington was appointed commander-in-chief, with power to nominate the other officers.

Pinckney was, on this occasion, nominated a major-general; but with inferior rank to Hamilton, who had been his junior in the revolutionary army.

This preference, however, only gave him an opportunity to manifest the magnanimity of his temper.

Upon being urged, by a man of influence, to refuse the appointment, and thus resent the injustice of the preference, as well as the injury done to his military character: he replied, "I am confident, that general Washington had sufficient reasons for this preference. Let us first dispose of our enemies, we shall then have leisure to settle the question of rank."

This war being soon brought to a satisfactory conclusion, general Pinckney retired to the quiet of private life. In 1800, he was held up, with Mr. Adams, to the suffrages of the people, as vice-president; and it was well understood, that had he consented to unite his name with Mr. Jefferson, he might have obtained the unanimous vote of South Carolina, as vice-president. To this, however, he would not consent. His political principles were decidedly federal, and to

relinquish them with his opinions of their correctness, would have been repugnant to the frankness of his nature. The scheme of union was accordingly dropped, and Mr. Jefferson and Mr. Burr were accordingly elected president and vice president of the United States.

In the repose and quiet of private life, general Pinckney continued from the time of his retirement, until his death.

He did not, however, cease his efforts to promote the happiness and prosperity of the community in which he lived. Of all societies instituted for benevolent purposes, he was the zealous supporter. An advocate of universal toleration, he was also a sincere christian, and acted as the president of the Charleston bible society, from the time of its institution, until his decease.

Feeling the advantages of education himself, he was indefatigable in his exertions to promote the cause of science and learning.

The South Carolina college, at Columbia, owes its erection, in a measure, to his influence and efforts in the legislature. In his intercourse with society, there was a frankness in his manner, that at once attracted confidence.

He neither spoke to deceive, nor flattered to betray. The convictions of his mind were uttered unostentatiously, and with such propriety and delicacy, that although they might fail to convince, they never gave offence. His surviving brethren of the revolution, testified the estimation in which they held his chivalric character, by electing him the president of the Cincinnati society of the United States; and the following sketch drawn of him.



by a committee of his fellow citizens, shows, that he was best beloved where he was best known:—

“Endowed by nature with a social judgment, an extensive capacity, and a vigorous mind, he prepared himself for the public and private duties of life, by a careful, enlarged, and generous education. He was thus, by nature and art, fitted for various functions and offices—at the bar, in the army, in the senate, and in diplomacy, he was always found adequate to the trust confided to him. As a lawyer, he was learned, acute, and diligent, zealous, though candid, and entirely free from artifice. He always spoke with judgment and logic, often forcibly and eloquently. In the army, he carried a clear carriage, a masculine understanding, and a vehement spirit. By his intelligence, firmness, and practical ability in the state legislature, and in the conventions for forming constitutions, he greatly contributed to the enactment of wise laws, and of the admirable instruments, which, in America, give law to the laws. As an ambassador, he united the highest sense of national honor, with the greatest prudence; and, if he did not succeed in his negotiations in obtaining justice for his country, he kept alive that spirit which enabled her to enforce it. In politics, he was at the head of a party, without being a party man, uniting with his friends from an agreement in measures, but keeping himself from all selfish and vindictive passions.

“Religious and moral principles presided over all his faculties and pursuits, and gave a dignity, a constancy, and a sincerity to his character. In private life, he had the virtues, without the vices, of pro-

sperty. He was munificent without ostentation, liberal without prodigality, and dignified without pride. The openness, and even freedom of his manners, inspired confidence and affection; and never diminished respect. His mind appears, through life, to have been happily balanced by enterprise and penitence, by vigor, steadiness, by the love of honor, and the most inflexible honesty. He, therefore, passed prosperously through various trying and troubled scenes, without shaking the confidence of his friends, or losing the kindness of his fellow citizens. An ardent youth and a vigorous manhood, were succeeded by a secure and cheerful old age, and the reverence and love of the whole city attended him to the tomb.”

#### ALEXANDER OF RUSSIA.

November 19, 1825.

At Taganrok, aged 48, his imperial majesty, Alexander, autocrat of all the Russias.

His imperial majesty was the eldest son of Paul I. by his second wife, Sophia-Dorothea-Augusta-Maria-Fædorowna of Wurtemberg Studgard. He was born December 22, 1777, and the care of his education was committed to M. de la Harpe, a Swiss colonel, who neglected nothing to fit his pupil for the high station he was destined to fill.

As soon as Alexander could walk, an Englishman, Mr. Parland, was appointed his *diadka*, a term which may be translated *run-after*, but which has by some been interpreted by the expression *man-nurse*. This gentleman is now living at Petersburg, after having experienced the imperial bounty in many ways; and is placed, not on-

ly in comfortable, but affluent circumstances. At the age of fifteen Alexander was a very imposing youth, and had become a universal favorite among all classes of society. He was early placed under the guardianship of count Soltikoff, an enlightened man, who was well fitted for the duties of that high and important station ; and the future sovereign, no doubt, benefitted much by his sage counsels and his exemplary conduct. That the emperor was highly pleased with his guardian, was proved by the veneration in which he held the count during life, and by his condescension in following his corpse to the grave in the year 1816, on foot, and bare-headed, along with the other chief mourners.

These facts, as well as many others, which need not be mentioned, show that gratitude was no stranger to the breast of the autocrat of all the Russias. Under able tutors, appointed with the consent of count Soltikoff, the then grand duke was taught Russian, French, German, Italian, Latin, Greek, and also a little English ; besides the principles of the Greek religion, geography, history, political economy, military tactics, the duties of a sovereign, and some of the sciences. He was reared at the Russian court, under great care of, and subordinate to, his talented grandmother, Catharine II. ; under much filial respect for his tender and careful mother ; and in absolute dread of his father, the late emperor Paul.

In the days of youthful and impetuous passion, in the midst of a voluptuous court, surrounded by almost all the beauty and fashion of Russia, unawed by examples of chastity and private virtue in the

highest individuals of the realm, seduced by the temptations and facilities of gratification, it is not to be wondered that the young and blooming Alexander should have had numerous love intrigues at an early period of his life. On the contrary, it may seem surprising, that the young prince, placed in the midst of so much evil example, so much depravity, and so great a deficiency of moral principle, should have wandered so little as he did from the path of virtue.

The above circumstances being taken into view, it might naturally enough be supposed that an early marriage was recommended ; and accordingly he was married when 16 years of age, October 9th, 1793, to the princess Louisa of Baden Durlach, two years younger than himself, and still the reigning empress. The princess, on becoming of the Greek religion, assumed the name of Elizabeth Alexiena. The marriage was a political scheme of Catherine II., and though the young bride was handsome, beautiful, and interesting, there was a coolness in her manner that ill accorded with the warmth of Alexander's passion, and which rendered her not exactly the object of his choice. By her majesty the autocrat had two children, both of whom died in infancy. Since their death, to the regret of the imperial couple, and of the Russian nation, "God has given" no additional offspring.

Whether Alexander was aware of the intended murder of his father, or whether he knew of the time fixed for its perpetration, admits of discussion ; but it is certain that at an early hour of the morning of the 12th of March, his friends and his counsellors rallied

round him ; that the death of Paul, and the accession of Alexander, were announced to the capital at seven o'clock, and that by eight the principal nobility had paid their homage to the grand duke, under his new character, in the chapel of the winter palace. The great officers of state being assembled there, Alexander was declared emperor of all the Russias.

It seems almost an anomaly in history, that the murderers of Peter III. became the avowed favorites, or the *protégées*, of Catherine II. ; and it is scarcely less remarkable, that the mercy of Alexander was extended to the assassins of his father. Zubof, the chief conspirator, and the most active of the murderers' band, was ordered not to approach the imperial residence ; and count Panin, the former governor of that city, was transferred to Riga. The other conspirators were treated as if no blame attached to their characters. It is impossible to conceive why Alexander withheld that vengeance which justice seemed to demand, from the heads of his father's assassins. It has been attributed by one of his panegyrists, to a forlorn and melancholy conviction, that the murderers had been prompted to commit the bloody deed, solely by regard to the salvation of the empire. Such a conviction might have induced the young monarch to diminish the weight of that punishment which piety and justice called on him to inflict, but can scarcely account for his total forbearance.

In the twenty-fourth year of his age, Alexander ascended the throne of his ancestors, having previously been the favorite of his father's subjects. His mild deportment, his suavity of manners, his amiable

disposition, and his goodness of heart, had gained him the love and respect of all classes of the population of the empire. The Telemachus of the north was not then inebriated with power, but, instructed in his duties by a mentor, endowed with intelligence and virtue, exercised the authority of a despotic sovereign to establish philanthropy as the basis of his throne. His first measures, proclamations, and imperial orders, tended to confirm the good opinion and the confidence of the people. He sincerely promised to tread in the footsteps of Catherine II. ; and his first acts of kindness were experienced by the Petersburgers, whose lives had become quite miserable under the whimsical reign of Paul. Alexander gave orders that every one should be allowed to dress according to his own taste. He exhonerated the inhabitants from the trouble and degradation of alighting from their carriages at the approach of the imperial family, and doing homage as they passed, which Paul had exacted, even in the coldest and most disagreeable weather. He dismissed the court advocate, who had become an object of universal detestation ; and besides, he made numerous changes and regulations, all tending to the comfort, pleasure and advantage of the inhabitants of the metropolis. The goodness of his heart, the activity of his mind, the excellence of his principles, and his anxious wish for the improvement of his subjects and his country, all enabled him at once to perceive the necessity of great changes and improvements throughout the empire.

He was proclaimed emperor, March 24, 1801 ; and his coronation in the ancient capital, the 27th

of the following September, was signalized by the release of the state prisoners; the recall of several exiles from Siberia; the pardon of criminals; promotions in the army, the navy, and the civil service, and among the clerical new and advantageous regulations for the city of Moscow; and the better definition and confirmation of the titles of some of the noble families of that capital.

His first care was to put an end to the war which then raged between Russia and England; and he for some length of time preserved peace both with England and France, and vainly endeavored to act as mediator between them, after the termination of the short peace of Amiens. In 1804, however, the murder of the duke D'Enghien by Bonaparte excited the indignation of the emperor, who, after presenting an energetic remonstrance by his ambassador, against "a violation of the law of nations as arbitrary as it was public," withdrew his minister from Paris, and in 1805, signed a treaty of alliance, offensive and defensive, with England, Austria, and Sweden: acting on which, Alexander hastened to lead his troops into Austria, where, however, he arrived only in time to see the capital fall into the hands of the French. He then retreated, together with the remnant of the Austrian army, to Berlin, where he resolved to await the French army; but on the defeat of the Austrians, at the battle of Austerlitz, he returned to St. Petersburg, leaving the greater part of his army on the frontiers of Germany. In 1806, being called upon by the court of Berlin, he again took up arms, but was again only in time to witness the triumph of

Bonaparte. In the spring of 1807, Alexander joined his army, which had retreated beyond the Vistula, and withstood the French with great bravery; but having been defeated in the battle of Friedland, he retreated beyond the Niemen, where he agreed to the preliminaries of the peace signed at Tilsit, July 8, 1807. In consequence, as is believed, of a secret article in that treaty, he declared war against England, and soon afterwards against Sweden, which latter war lasted two years, and ended in Sweden's ceding Finland to Russia. During the hostilities which still subsisted between France and England, he continued to side with the former power, and dismissed from his dominions all the German ministers and agents. But the time was arrived when he was to see how ill-judged his friendship had been; and he was forced to defend himself in his own dominions, with no other ally than England, against Bonaparte, who led 560,000 choice troops against him, joined with those kings who had formerly been his allies, and whom he had formerly assisted. The Russians, however, on their evacuation of Moscow, by burning that city, destroyed the only means of subsistence the French could expect during the winter; and thence followed the terrible destruction of that vast army. The emperor Alexander now seemed animated with a spirit of vengeance against the invader of the Russian dominions. He pursued him with unrelenting vigor; he even published a description of his person, as if he had been a common felon. However, Bonaparte escaped in a single sledge, leaving his gallant army to perish in the snows; and so infa-

tuated were the French, that they actually suffered him to levy new armies, and lead them into Germany, in 1813. By this time, however, the scene had wholly changed. On March 13, Alexander and the king of Prussia, proclaimed the dissolution of the confederacy of the Rhine, and declared their intention of assisting the Austrians. After having been worsted at the battles of Lutzen and Bautzen, they agreed to an armistice; during which the Russians were joined by general Moreau, who, however, soon fell by a random shot before Dresden. After various success the great battle of Leipsic was fought October 16th, 17th, and 18th, which completed the deliverance of Germany. A short time before this battle, a general, who commanded a corps of artillery stationed at the imperial head-quarters, had incurred, on some trifling occasion, the serious displeasure of the emperor. His majesty very unceremoniously sent one of his aids-de-camp, with an order, that this officer should give up his command, repair, within twenty-four hours, to a village the distance of twenty or thirty miles, and take charge of a regiment stationed there. Surprise, indignation, and fury, were successively evinced by the general, but still he obeyed the mandate. He left head-quarters without a moment's loss of time—arrived at his new designation—examined it—reviewed the regiment—and immediately drove back to his former station. At a review of some troops the following morning, the emperor soon perceived him at the head of his corps. Astonishment and rage were depicted in the monarch's physiognomy, and he dispatched an aid-de-camp to

know what the general was doing there, and why he had left his new station, and dared to disobey his sovereign's orders? The general, who is a man of talents, of general information, and of unconquerable and sometimes ferocious spirit, with energy replied to the aid-de-camp, "Go back and tell his imperial majesty, that the present time is highly important, and that I feel anxious for the fate of Russia; tell him that henceforth I serve not Alexander, but my country; and that I am here, where I ought to be, at the head of my troops, ready to sacrifice my life in her cause." Such an un contemplated and heroic answer, instead of rousing the furious passions of the mind, as might have been expected, were despotism really absolute, had a very opposite effect. The emperor seemed palsied, replied not a word, and was glad to hush the affair to sleep, lest the general's example should be too generally known, and become a precedent for the future for the officers of the autocrat army. Before the battle of Mont Martre, the general, who continued in his former command, had a station assigned him in the midst of danger, on purpose, it was supposed by some, that his head might be carried away by a cannon ball, and thus rid the emperor of a liberal minded and refractory officer. This gentleman, who fears no danger, rejoiced on the occasion, fought and conquered. It redounds to the credit of Alexander, that he called for the general on the field of battle, and bestowed upon him the cordon of St. George. Since that period, he has been employed on an important mission, and at this moment holds one of the highest and most responsible offices of the state.

In the beginning of 1814, the allied monarchs crossed the Rhine. On the 30th March, the allied army besieged Paris, and forced it to capitulate; and on the 31st, the emperor Alexander and the king of Prussia entered it, amid the cries of *Vive le Roi! Vivent les Bourbon!* and Bonaparte soon signed his first abdication. On the landing of Louis XVIII., Alexander hastened to meet him, and conducted him to Paris, which he entered May 4. A treaty of peace was signed at Paris, May 30, 1814, and Alexander left France June 1, for London, where he was magnificently entertained by the prince regent at Guildhall. He returned to St. Petersburg July 25. On September 25, he entered Vienna, where he remained until the end of October. The ratification of the acts of the congress had been signed February 9, 1815. When the escape of Bonaparte from Elba changed the apparent security of Europe into confusion; great preparations had been made by the Russians, when the news of the battle of Waterloo put a stop to their motions. Alexander himself set out for Paris, where he arrived three days after the entry of Louis XVIII. From thence he proceeded to Brussels to view the field of Waterloo; and after a short stay, returned to St. Petersburg, which he entered amid universal acclamations.

The personal character of the late emperor was chiefly distinguished by great affability and condescension, which was carried to such a degree, as would have been wholly incompatible with his situation, if the government were of any other form than that of an absolute monarchy. Considering the disadvantages of his early life, he must

be regarded as one who had, as far as possible, overcome by natural goodness of temper, those evil habits which circumstances seemed to form for him; and whatever blame may be attached to his caprice, his artfulness, his inflexibility, his vanity, or his gallantry, he nevertheless had great merit; and, indeed, his very faults may be said to have been well suited to the part he was destined to sustain, and to the nation whom he governed. An enemy to the costly vanities of some of his predecessors, he regulated the expenses of his palaces with economy, and applied his treasures to the foundation of useful establishments, the promotion of useful public works, the equipment of his arsenals, and the augmentation of his army. Temperate, active, and indefatigable, he transacted the business of government through direct correspondence or personal superintendence; and, familiar with the statistics, topography, and interests of the various people inhabiting his extensive empire, he cherished the general prosperity by a polity adapted to the wants of each and all. The solicitude which he manifested for the good of his country, and his humanity, deserve the highest encomiums.

During the campaign, it cannot be questioned that Alexander was an example to his whole army. His exemplary endurance of privations, cold, hunger, and fatigue, served to animate his troops. His activity and solicitude were equally the theme of praise, while his affability and conciliatory manners gained him all hearts.

The simplicity of manners and mode of life of Alexander were very exemplary and praiseworthy. He slept upon a hard mattress, whether



in the palace or in the camp ; he rose early, lived very moderately, was scarcely ever even merry with wine, employed much time in public affairs, and was indefatigable in his labors. His chief amusement, if such it may be called, seemed to have been the organization and discipline of the army.

Having said thus much of the early life and of some public acts of Alexander's reign, we shall now notice his love affairs.

The unfortunate attachment of the Czar to Madame N——, soon after his marriage, gave rise to the most serious differences between this monarch and his interesting consort. Madame N—— bore the autocrat several children ; one of them, a female, lately died, when about to be married. Being the emperor's very picture, she naturally attracted the notice of the people as she traversed the streets, or the promenades of Petersburg. Her death overwhelmed the emperor with grief.

Madame N—— was spouse of Le Grand Veneur, who either winked at his lady's infidelity, or was obliged to wink at it ; for in the north, notwithstanding all the advance towards refinement, despotism, in some instances, maintains its ground, and acts as it wills, contrary to law, justice, humanity, and religion.

The lady just alluded to had a handsome establishment allowed her by his imperial majesty, and besides an excellent town-house near the residence, she had also a country-house in one of the islands formed by the branches of the Neva, and not far distant from the emperor's summer palace. There she and her illegitimate offspring gene-

rally spent the fine season of the year.

The empress had often in vain remonstrated with the emperor respecting his connection with Madame N——, and she had frequently threatened to abandon her throne, and to retire to her relations in Germany. But the dowager empress, who really loved and pitied her imperial daughter-in-law, partly by caresses and entreaties, partly by prudential measures and persuasion, and partly by her disapproval of Alexander's conduct, and her severe remonstrances to her imperial son, succeeded in delaying her design. Yet, however sincere might be his vows of amendment at the moment, the autocrat of all the Russias, like other mortals, found that the chains of love are not easily ruptured, and after a short absence and repentance, he returned to sin again. Such was the emperor's conduct for many years towards Madame N—— ; and, as mentioned, the fruit of the intercourse was a young family.

The emperor also showed a decided predilection to some other females, and among the rest to the wives of two merchants.

From the open manifestation of his passion for a few females, and from his amorous constitution, it was inferred that Alexander had many secret intrigues besides with the beauties of the court, the theatres, and of the metropolis ; and there is strong reason to presume that the inference was just.

In consequence of such conduct, it was very reasonable for the empress to be highly discontented. In the year 1814-15 she was in Germany ; and it was reported that she had refused to return to Russia un-



less the emperor would bind himself under a solemn oath, that he would banish Madame N—— from the Russian empire : and even after a deed to that effect was obtained, it required the persuasions and the cunning of the dowager empress to get her imperial majesty in motion for the northern metropolis.

Madame N—— was accordingly necessitated to leave Russia with her children. She went to France, and at present she resides at Paris. Since that event, it is stated that the emperor Alexander had shown his regret at the frolics of his youth by repentance, and the kindest conduct to his imperial consort, with whom he passed much time in his evenings.

The next heir to the throne of Russia in order of primogeniture, was the grand duke Constantine Cesarovitch, who was born May 8, 1779, and married Feb. 26, 1796, Julia, princess of Saxe Cobourg, sister to his royal highness the prince of Saxe Cobourg. This marriage was dissolved by an imperial Ukase, dated April 2, 1820, and the grand duke married, secondly, May 24, 1820, Jane, born countess of Grudzinska, and created princess of Lowicz.

Constantine, however, after being proclaimed, resigned his right to the throne in favor of the grand duke Nicholas, who has accordingly been proclaimed.

#### GENERAL FOY.

November 28.

Of an aneurism of the heart, at his residence in the Rue de la Chaussée d'Antin, Paris, aged 50, general Maximilian Sebastian Foy. For eight days the disorder had made rapid progress. Two of his

nephews, of the same name as himself, the one his aid-de-camp, and the other an advocate, did not quit his bed for a moment. "I feel," said he, in a dying tone, "a disorganizing power that labors to destroy me. I fight with the giant, but cannot conquer him." He scarcely slept at all, and even sleep fatigued him. He did not deceive himself upon his approaching end, but looked death in the face as he did the enemy in the field. The nearer the fatal moment approached, the more did his kindness manifest itself to those around him. Wishing again to breathe the pure air, and see once more the light of the sun, his nephews carried him in a chair to the window, which was open ; but feeling himself sinking, he said to them—"My good friends, put me upon the bed. God will do the rest." These were his last words. Two minutes after his body rendered up to the Author of all things the great soul that it had received from him.

On opening the body after death, the heart was found twice as voluminous as in the natural state, soft, and gorged with coagulated blood, which it had no longer strength to put into circulation. Mirabeau, it will be recollected, according to the report of Cabanis, likewise sunk under a disease of the heart, augmented by the fatigue of the tribune, and the cares and anxieties inseparable from business.

This officer was educated for the bar, but on the breaking out of the revolution, he entered the artillery, in which he was rapidly promoted. From the first campaigns of the revolution, to the battle of Waterloo, he was in incessant action, and frequently distinguished himself. He was wounded in Moreau's re-

treat, at the battle of Orthes, and at Waterloo. His activity in Spain was well known to many officers of the English army. Though his fate was bound up with the military profession, he refused, previously to the expedition to Egypt, the appointment of aid-de-camp to Bonaparte, whose views he seems to have suspected; and he also opposed Napoleon's elevation to the supreme power. It is related of the general, that, after one of Bonaparte's victories, he was at a dinner of the officers; when, upon "the health of the emperor" having been given, he alone declined drinking it. In vain was he pressed on the point. "I am not thirsty," said he. By Bonaparte's abdication he lost a marshal's *baton*; but his military promotion, which then ceased, was compensated by popular honors and distinctions, which he could not have attained or enjoyed under the imperial government. Since his first admission to the chamber of deputies in 1819, he had been one of its most prominent orators; and in the last session he was, without exception, the most powerful opponent of the ministry. Being one of the few members gifted with the talent of extemporaneous speaking, he was enabled to make or to repel attacks with promptitude and effect. The general has left a widow and five young children; but so strongly has the public feeling been excited in their favor, that a subscription, amounting to more than 20,000*l.* has been raised for their support. Portraits of the general have been engraved, medals have been struck in his honor, and a public monument is to be erected to his memory.

His funeral was celebrated December 6, at Notre Dame de Lorette. An immense crowd, computed at 100,000 persons, flocked to the cemetery. A considerable number of deputies, generals, and officers of all ranks, thronged the apartments. At a quarter past one the body was brought down into the yard of the hotel. Eight young persons presented themselves to carry it on their shoulders into the church. After divine service, the same persons again carried the corpse. Shortly after, the crowd made way to allow the children of the general, conducted by his domestics, to pass through them. The procession moved in the following order:—A detachment of troops of the line in two platoons; a platoon of chasseurs of the national guard; the mourning coach, drawn by two horses, in which was an officer; afterwards followed nearly six thousand persons; a platoon of troops of the line at the head of the equipages. All the pupils of the school of law and medicine, without exception, joined the procession. The Duke de Choiseul, notwithstanding his great age, went to the grave, and would have delivered an address, but was overpowered by his feelings, and compelled to abandon his intention. M. Royer Collard, although on the preceding day he had witnessed the interment of his distinguished brother, attended the funeral, but in the road to Pere Lachaise he became indisposed, and was conveyed to a house on the Boulevard. Among the followers were the viscount Chateaubriand, M. Lafitte, M. Gohier, formerly president of the directory, Horace Vernet, Marshals Oudinot and

• Marmont, General O'Connor, &c. The grave in which the late eminent individual was interred, is near that of Camille Jordan. The minister of war's carriage was among those which attended the procession. Eloquent and pathetic addresses were delivered at the grave by Messrs. Cassimer Perrier, Tor-naux, Mechin, and lieutenant-general Miollis. At the moment when the former said, "If general Foy died without fortune, the nation will adopt his widow and children," a host of voices exclaimed, "Yes, we swear it, the nation will adopt them." All the theatres of Paris, and particularly those on the Boulevards, were nearly deserted in the evening. The national guards on duty at the post of their staff, on Thursday, appeared with crape on the arm.

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M. DAVID.

December 29.

At Brussels, the seat of his exile since the re-establishment of the Bourbons, aged 76, M. David, an artist who had long stood at the head of the French school of painting.

At the period when the development of his powers commenced, the genius of the French painters, had fallen into the worst possible direction. The style of the Italian school, transmitted by Poussin and Lesueur, had been abandoned; and, under the idea of returning to nature, they had adopted a petty affected representation of her, which possessed neither the graceful, of which they were in search, nor the ideal or the grand, which they had voluntarily renounced. David repaired to Rome: there his mind was influenced by the two-fold impression which it received from the

numerous, grand and exact productions of the Italian school, and from the statues of the ancients—so chaste, so correct, so simply beautiful. Thus impressed, he struck into a new course, and produced his picture of Andromache, which by many is regarded as one of his master-pieces. His painting had then something of the Italian gravity and simplicity; and his pure and lofty design, like that of the ancients, had not attained that ideal perfection, bordering upon the stiffness of statuary, which he acquired at a later period. In his next picture, Belisarius, the composition is simple and grand, the design chaste, the expression true, the coloring sedate—the entire character of the production bearing a great resemblance to Poussin, with more correctness and arrangement than that artist usually displays. In tracing his course from his Belisarius to his Rape of the Sabines, the influence of the Italian school, will be seen gradually to diminish, and the taste for ancient design to become stronger, so as at last to settle into academic correctness. In his Horatii, which may perhaps be regarded as the production that marks the zenith of his talents, there is the same grandeur, the same severity of composition and expression, the same sobriety in the execution; but, without yet ceasing to be natural, the disposition of the subject is seen to incline towards the sterility of bas-relief. In the Rape of the Sabines, one amongst the most admired and most deserving of admiration of M. David's pictures, it is seen that his drawing has become altogether academic, and the attitudes betray a too great fondness for the display of beautiful forms. His Socrates is grandly

conceived; his Brutus is full of beautiful details; his Thermopylæ, and the many other works that have signalized his pencil, are marked with all the touches of a great master; but, by those who love the simple and the true, and are fearful of style, when it becomes systematic, the first works of M. David will be esteemed his best.

David was a great favorite of Bonaparte. The conqueror of Austerlitz is said to have advanced two steps towards the artist in his painting room, and taking off his hat, to have exclaimed, "Sir, I salute you!" Under the protection of his great friend, David was allowed, as a special mark of distinction, to occupy the corner wing of the old palace, from which every man of genius and science entitled to reside there, had been removed. Bonaparte always consulted him in the arrangement of his paintings and statues: and all the government costumes were from his designs. David had many pupils, and was not without adherents: but, from the sanguinary part which he had taken in the revolution, he was shunned by the great and the good, and seemed to lead the life of a proscribed exile, in the very centre of the gayest city in Europe.

David painted the coronation of Bonaparte, in conformity with the instructions of his master. It was not that picture, however, which was exhibited in Pall Mall, between three and four years ago. On the restoration of the Bourbons, the expatriated painter retired to Brussels; and there he finished what he considered an improved and heightened copy of the original painting. That painting was exhi-

bited in London, where, from various circumstances, it naturally attracted much notice, and excited much criticism. Bonaparte, Josephine, the cardinal Caprara, and two or three other figures, were universally allowed to be fine; but the remaining cluster of two hundred and ten people, gave the painting the air of a crowded stage, on which the leading actors concentrated attention, whilst the surrounding mutes had not grace enough to be even naturally affected.

M. David, when he went into exile, announced to his pupils, that he was about to change his style, and that he would send them from the Netherlands, a specimen of the true manner of coloring. Critics consider him to have fulfilled this promise in his Mars and Venus, which has been exhibited with his Belisarius, Horatii, Brutus, Rape of the Sabines, &c. "Mars, overcome with fatigue, is stretched on a couch; Venus, who has risen to make room for him, has one hand resting upon him, whilst with the other she is placing a crown on his head, which she is to bestow on condition that he quits the pursuit of arms. Mars consents, and presents his sword as a token of his sincerity. The Graces are hastening to disencumber the god of his armor; Love is unloosing his sandal; and every attempt is making to render his return to the field impossible."

M. Odevaue, one of M. David's disciples and friends, has published in the Brussels Oracle, a pompous and inflated eulogy upon the deceased, which thus concludes: "Let Brussels be proud in retaining the ashes of David. I propose to beg his family to leave the remains of him who was our mas-

ter and friend to us, to open immediately a subscription to raise a monument to him in one of our principal churches, and to have a funeral procession. There shall be executed a mass and requiem, with a grand orchestra; and, in order to render this ceremony worthy of its object, I propose to invite hither the artists and the friends of the arts, from all parts of the kingdom, and from the neighboring countries." A subscription was accordingly opened, and a committee was appointed to regulate the funeral ceremony, and to provide for the erection of a mausoleum.

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GENERAL SUCHET.

January 3.

At Marseilles, aged 54, Louis Gabriel Suchet, duke of Albufera.

Having received a good education, he entered the army in 1792. At Toulon, he was an officer in the battalion by which general O'Hara was taken prisoner. He was in nearly all the battles fought in Italy, during the campaigns of 1794, 1795, and 1797, and was thrice wounded, once dangerously. In the last of these campaigns, Bonaparte made him chief-de-brigade, on the field of battle. In 1798, having borne a distinguished part in the campaign against the Swiss, he was sent to Paris with twenty-three standards taken from the enemy, and was then made general of brigade. He was on the point of proceeding with the expedition to Egypt, when he was suddenly retained to restore discipline and confidence in the army of Italy. In consequence of a quarrel with the commissioners of the directory, Suchet was compelled to return hastily to France, to vindicate his

conduct. He was afterwards sent to the army of the Danube, at the head of which he exerted himself in defending the country of the Grisons. Joubert, his friend, having been entrusted with the command of the army of Italy, Suchet joined him as general of division, and chief of his staff; appointments which he continued to hold under Moreau and Championnet, after the death of Joubert. Massena, who succeeded Championnet, made him second in command. At the head of a feeble division, of not 7,000 men, he long held at bay five times the number of Austrian forces under Melas, contested the Genoese territory inch by inch, retired unbroken behind the Var, set the enemy at defiance, saved the south of France from invasion, and facilitated the operations of the army of reserve, advancing from Dijon to cross the Alps. When, in consequence of the march of Bonaparte, the Austrians commenced their retreat, he followed in their track, harassed them incessantly, took 15,000 prisoners, and, by compelling Melas to weaken his army to oppose him, contributed powerfully to the victory of Marengo. In the short campaign subsequently to the armistice, he took 4,000 prisoners at Pozzolo, and shared in the battles that were fought. In 1803, he commanded a division at the camp at Boulogne. He was named a member of the legion of honor, December 11, 1803, grand officer of that body in 1804; and governor of the imperial palace at Lacken in 1805. At Ulm, Hollabrun, and Austerlitz in 1805,—at Saalfeld and Jena, in 1806,—at Pultusk in 1807,—he greatly contributed to the success of the French arms. In 1806 Bonaparte

gave him the grand cordon of the legion of honor, with an endowment of 20,000 francs; and in 1808, he raised him to the dignity of a count of the empire. The king of Saxony also nominated him a commander of the military order of St. Henry.

Suchet was then sent to Spain, and placed at the head of the army of Arragon. In 1809, he defeated Blake, at Belchite; in 1810, he reduced Lerida, Mequinenza, Tortosa, fort San Felipe, Monserrat, Tarragona, and Saguntum,—routed O'Donnel at Margalef, and Blake before Saguntum,—and formed the siege of Valencia. The fall of that fortress crowned the labors of this campaign, and obtained for him the title of duke of Albufera, and possession of the estate of that name. He had previously, at the capture of Tarragona, received the marshal's staff. In 1813, the command of the united armies of Arragon and Catalonia having been confided to him, he compelled sir John Murray to raise the siege of Tarragona. In November, he was named colonel-general of the imperial guards, in the room of the duke of Istria. Notwithstanding the progress of lord Wellington in France, Suchet kept his ground in Catalonia, for the purpose of collecting the 18,000 men who garrisoned the fortresses, and also for retarding the progress of the allies.

Receiving intelligence of the abdication of Bonaparte, he acknowledged Louis XVIII. as his sovereign. Several honors, amongst which was that of his being named one of the peers of France, were conferred on him by the restored monarch. On the return of Bonaparte, he accepted a command under his old master, to repel the al-

lies. At the head of the army of the Alps, consisting only of 10,000 men, he beat the Piedmontese, and shortly after the Austrians. The advance of the grand Austrian army, however, 100,000 strong, compelled him to fall back on Lyons, but he saved that city from plunder by capitulation, and with it artillery stores to the value of half a million sterling. On the same day that the capitulation was signed, he again submitted to Louis XVIII. He received the grand cross of the legion of honor in 1816, and in 1819, his name was replaced on the list of peers.

For some time previous to his decease, the duke of Albufera had been principally at Marseilles. He had been afflicted nearly two years with a severe and painful disorder. In the few moments during the last four days of his life in which he was sensible, he made his will, in full possession of his faculties. In the evening of the 2d of January, 1826, having recovered from a state of delirium, he confessed and received the extreme unction. The remainder of the night he was calm and composed; but, after seven in the morning of the 3d, he did not again become sensible. The duchess left Marseilles for Paris with her children two or three days after his decease.

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#### COUNT ROSTOPCHIN.

January, 1826.

At Moscow, count Rostopchin.

He was descended from an ancient Russian family. Entering the army very young, he was a lieutenant in the imperial guards at the age of twenty-one, when he left Russia to make the tour of Europe. At Berlin he was distinguished by count Michael de 29



Romanzoff, the Russian ambassador at the Prussian court. During the early part of the reign of the emperor Paul, his advancement was rapid and brilliant. He was decorated with the grand order of Russia ; and, with his father, (living at the age of eighty-one, on his own estate, at the time of the memorable campaign of 1812,) raised to the dignity of count. Soon afterwards, however, from some unknown cause, both father and son fell into disgrace, and received an order to retire to their estates, on which they lived, as cultivators of the soil, till the death of Paul. The young count obtained the favor of the emperor Alexander, and was appointed to the government of Moscow. On the 14th of September, 1812, the French entered that city ; and, on the same day, the Russians, according to the 20th French bulletin of the campaign, set fire to various public edifices of that ancient capital. Bonaparte accused count Rostopchin of the act. Certain it is, that the count had set fire to his fine country house at Veronozof, leaving the following placard conspicuously posted near the mansion :—" During eight years I have sought to embellish this country residence, where I have lived happily with my family. The inhabitants of this estate, to the number of 1720, abandon it at your approach ; and I destroy my house, that it may not be sullied by your presence. Frenchmen ! I abandon to you my two houses at Moscow. Here you shall find nothing but ashes."

The count remained governor of Moscow till the month of September, 1814, when he resigned the command, and accompanied his

sovereign to Vienna. In the year 1817 he went to Paris, and during his stay in that capital, he gave the hand of his daughter to the grandson of the count de Segur. His manners and conversation were as polished as those of the most accomplished courtier in Europe.

#### THE KING OF PORTUGAL.

March 10, 1826.

At Lisbon, aged 60, John the Fourth, king of the United Kingdom of Portugal, Brazil, and Algarve, knight of the garter. His majesty had been attacked on the 4th with an apoplectic fit, together with epilepsy. On the 5th and 6th his malady increased to such a degree, as to create the greatest alarm for his life. After the crisis of the 6th, his majesty experienced no new attack till the 9th, when his malady returned with augmented violence, to which the king yielded, and laid down his life on the 10th, at 6 p. m.

His majesty, John-Maria-Joseph Lewis, was born May 13, 1767, the son of Maria-Frances Isabella, reigning queen of Portugal, by her paternal uncle Don Pedro, (brother of her father king Joseph.) He married, January 9, 1790, Charlotte Joaquina, daughter of Charles the Fourth, king of Spain, and sister to Ferdinand the Seventh, the present king of that country ; by whom he had issue :—  
1. Maria Theresa, born April 29, 1793, widow of the Infant Don Pedro-Carlos of Spain ; 2. A son, styled Prince of Beira, born in 1795 ; 3. Isabella-Maria, born May 19, 1797, married September 29, 1816, to her maternal uncle Ferdinand, the present king of Spain ; 4. Pedro d'Alcantara, born Octo-



ber 12, 1798, proclaimed in 1822 constitutional emperor of Brazil ; 5. Maria-Francescina, born April 22, 1800, married September 29, 1816, to her cousin Don Carlos Isidor, the present Infant of Spain ; 6. Isabella-Maria, born July 4, 1801 ; 7. Michael, born October 26, 1802 ; 8. A princess, born February 23, 1803 ; 9. Maria-Anne, born July 25, 1805.

From 1792 his majesty governed in the character of regent, in the name of the queen his mother, who was affected with mental alienation. He succeeded her, March 20, 1816, and was crowned at Rio Janeiro, to which place he had retired on the invasion of Portugal by Bonaparte, who, in the hope of seizing his person, lost no time in proclaiming that the house of Braganza had ceased to reign.

#### JOHN ADAMS.

At Quincy, in the 91st year of his age, John Adams, late president of the United States of America.

Among the remarkable events of the year, of which we have undertaken to relate the history, the death of John Adams and Thomas Jefferson, on the fourth of July, is the most important. Indeed, the whole range of history may be appealed to, in vain, to produce an event of equal singularity and interest. The death of either of them, on the fourth of July, would have attracted the public notice, as a very affecting coincidence : the departure of both, on the same day, and that the fiftieth anniversary of independence, comes over the mind, with a sensible impression of something beyond the ordinary

succession of events. We cannot resist the feeling, that the good providence, whose interpositions, at the great eras of our history, have ever been devoutly acknowledged, was pleased, at the close of the jubilee of our national existence, in the simultaneous departure of the two great men, who exercised the leading agency in asserting it, to stamp the day, with a perpetual seal of sacredness.

This extraordinary event, and the lives and characters of the two great and venerated statesmen, connected with it, have justly been the theme of celebration, in every part of our country. Its talent and its feelings have been lavishly called forth, to do justice to the exalted and affecting subject. Our humble duty, as chroniclers of the time, calls upon us, also, for an appropriate notice of two such eminent personages, removed under such extraordinary circumstances, at the close of the past year.

The elder of them, John Adams, was born in the state of Massachusetts, in that part of the town of Braintree, which has since been erected into the separate township of Quincy, October 19th, (30th,) 1736. He was of one of the oldest families of America, (if any family can be called old, in a young country,)—a family of farmers, mechanics, and yeomen. His ancestor, Henry Adams, emigrated from Devonshire, in England, in 1632, with eight sons, all of whom were married. From one of these sons, John Adams was lineally descended. Samuel Adams, the proscribed patriot, was descended from another of the sons, and was, consequently, a remote kinsman of the deceased president.

The father of John Adams, agreeably to a custom not yet extinct in New England, but almost universal a century ago, united the pursuit of a farmer with that of one of the mechanic trades. When his son John had attained the proper time of life, his father proposed to him, either to follow his own trade, and receive, when he should be of age, an establishment on a portion of the family farm; or in lieu of the latter, to receive a college education, and trust to his own resources for a support in life. His son chose the latter part of the alternative, and after the usual preparatory studies, under the care of Mr. Marsh, of Braintree, he entered Harvard college, as a student, in the year 1751. At the time of his decease, he was the second oldest graduate of that institution.\* The students at college, at this period, were arranged in their several classes, not alphabetically, but according to the supposed rank or dignity of their parents. John Adams' name stands in the middle of his class.

After leaving college, John Adams repaired to Worcester, where he found employment in that occupation, which has been pursued in the interval between college and professional life, by a large majority of the educated men in New England. He taught the grammar school of the town of Worcester, pursuing, at the same time, the study of the law, under the direction of colonel James Putnam, a lawyer of eminence in that place.

On his first arrival at Worcester,

an inexperienced youth, fresh from college, he wrote a letter to a friend, which shows a comprehension of views, and a forecast, which would have been deemed extraordinary from any one, and which are truly wonderful in a young man, not yet quite twenty years of age. We cannot do justice to the subject, without making an extract from this letter.

“Soon after the reformation, a few people came over to this new world, for conscience sake. Perhaps this apparently trivial incident may transfer the great seat of empire to America. It looks likely to me; for if we can remove the turbulent Gallicks, [the French in Canada] our people, according to the exactest computation, will, in another century, become more numerous than England itself. Should this be the case, since we have, I may say, all the naval stores of the nation in our hands, it will be easy to obtain a mastery of the seas; and then the united force of all Europe will not be able to subdue us. The only way to keep us from setting up for ourselves is to disunite us.

“Be not surprised that I am turned politician. The whole town is immersed in politics. The interests of nations, and all the *dira* of war, make the subject of every conversation. I sit and hear, and after having been led through a maze of sage observations, I sometimes retire, and laying things together, form some reflections, pleasing to myself. The produce of one of these reveries you have read above.”†

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\* He is preceded on the college catalogue, by the venerable Dr. Holyoke, of Salem, now 99 years old, who took his degree in 1745.

† This letter is dated October 12, 1755.

After having pursued the study of the law for three years, Mr. Adams was admitted to the bar in 1758. At this time, he removed to his native town of Braintree. His first considerable professional effort was made in a criminal cause, at the Plymouth court. His reputation rapidly increased. By his master, colonel Putnam, he was introduced to the friendship of the celebrated Jeremy Gridley, then attorney general of the province. At the first interview, they became friends. Gridley at once proposed Mr. Adams for admission to the bar of Suffolk, and formed a strong attachment to him. It is related, that soon after his admission to the Suffolk bar, Mr. Gridley led his young friend into a private chamber, with an air of secrecy, and pointing to a book case, said, "sir, there is the secret of my eminence, of which you may avail yourself, if you please." It was a pretty good collection of works in the civil law.

While still living at Quincey,

and at the age of twenty-four, Mr. Adams was present at Boston, on the argument before the supreme court, respecting *writs of assistance*, and heard the celebrated and patriotic speech of James Otis, on that subject. The effect of that appeal was not less indelible on the mind of Mr. Adams, than it was powerful and general, at the time, in the community. In the letters published toward the close of his life, after a most interesting account of this cause, and of the argument of Otis, Mr. Adams adds, "I do say, in the most solemn manner, that Mr. Otis' oration against writs of assistance, breathed into this nation the breath of life."

In the year 1765, Mr. Adams published in the newspapers, his essay on the canon and feudal law. Being printed without his name, it was ascribed to Jeremy Gridley, whose reputation as a statesman and political writer, was, at this period, above that of any other man in the province.\* The object of this work is to show, that our

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\* The following notice of this work is contained in a note in Mr. Everett's "address, in commemoration of Adams and Jefferson."

"The copy I possess of this work, was printed by Almon in 1768, as a sequel to some other political pieces, with the following title and preliminary note: "The following dissertation, which was written at Boston, in New England, in the year 1765, and then printed there in the Gazette, being very curious, and having connection with this publication, it is thought proper to reprint it."

"The author of it is said to have been Jeremy Gridley, Esq. attorney-general of the province of Massachusetts bay, member of the general court, colonel of the first regiment of militia, president of the marine society, and grand master of the free masons. He died at Boston, September 7, 1767.

*"A Dissertation on the Canon and Feudal Law."*

This copy formerly belonged to Dr. Andrew Eliot, to whom it was presented by Thomas Hollis. Directly above the title is written, apparently in Dr. Andrew Eliot's hand-writing, "The author of this dissertation is John Adams, Esq." And at the foot of the page is the following note, in the same hand-writing, but marked with inverted commas, as a quotation, and signed T. H.

"The Dissertation on the Canon and Feudal Law is one of the very finest productions ever seen from N. America."

"By a letter from Boston, in New England, signed SUI JURIS, inserted in that valuable newspaper, the London Chronicle, July 19, it should seem the writer of it happily yet lives!" T. H.

This was said fifty-eight years ago!

New England ancestors, in consenting to exile themselves from their native land, were actuated mainly by the desire of delivering themselves from the power of the hierarchy, and from the monarchical and aristocratical political systems of the other continent; and to make this truth bear with effect on the politics of the times. Its tone is uncommonly bold and animated, and its reception was highly flattering, both in America and Europe.

The reputation of Mr. Adams was now established as a lawyer, a politician, and especially as a patriot, or a "son of liberty" in the language of the times. With a view to silence him, governor Barnard offered him in 1768, the office of advocate general, in the court of admiralty; an office lucrative at the time, and the sure road to the highest promotion in the colonies. But he promptly declined the offer. Two years after thus declining the favors of the government, he received from the people of Boston, his first political distinction; being elected one of their representatives of the town, in that year. He was from this time forward, acknowledged as one of the most prominent of the popular leaders.

His standing in this respect entitles him to the greater credit, for the part, which he took, the same year, as counsel for captain Preston and the soldiers, on their trial for murder, in consequence of the transaction of the 5th of March, 1770. The popular excitement against the defendants was extreme. A word from those, who influenced the counsels of the patriots, would have been sufficient, to set the town and the province in a flame. The defence of captain Preston and his

men was however undertaken by John Adams, and his friend Josiah Quincy also, one of the most ardent of "the sons of liberty." Their course on this occasion, and the verdict of acquittal, by a Boston jury, constitute one of the most honorable passages, in the history of our revolution.

As a member of the general court, Mr. Adams took an active lead on the popular side. He was upon the committee, who reported the address to the governor, and the protest against the removal of the general court to Cambridge. When the house finally consented to proceed in its business, notwithstanding the refusal of the governor to restore them to Boston, he was one of the minority, who voted against proceeding. He was chairman of the committee, who drew up the answer to the governor's message, relative to the enacting style of the laws; in which, he contended that by omitting the words "in general court assembled," it was intended to reduce the province to the footing of a corporation in England; and open the way for destroying the character of the government. These, however, are but a few of the committees raised upon political questions, of which he was a member.

Having, in 1773, rendered himself particularly obnoxious, as the author of a series of essays against the payment of the judges by the crown, Mr. Adams was, when elected counsellor that year, negatived, with two others, by governor Hutchinson; and the same mark of displeasure was repeated the next year, by governor Gage, toward him and eleven others of the counsellors, chosen by the assembly. The essays alluded to, ap-

peared in the Boston Gazette, signed by the author's name.

The time had now approached, when a more extensive union of counsels was required. A general congress of delegates, from all the colonies, having been proposed and agreed to ; the house of representatives, on the 17th June, 1774,\* elected James Bowdoin, Thomas Cushing, Samuel Adams, John Adams, and Robert Treat Paine, as delegates from Massachusetts. This appointment was made at Salem, where the general court had been convened ; in consequence of the Boston port bill. While the house was engaged in this important business, the governor having been informed of what was passing, sent his secretary, with a message, dissolving the court. The secretary's approach was anticipated, and the door locked upon him. Unable to enter, he ordered the messenger to go and inform the speaker, that the secretary was at the door, with a message from the governor. The messenger returned and informed the secretary, that the orders of the house were, that the doors should be kept fast ; whereupon the secretary read upon the stairs, a proclamation dissolving the general court. The general court adjourned itself, as a provincial congress to meet at Concord ; and thus terminated forever, the actual exercise of the political power of England in and over Massachusetts. Of the five gentlemen named above, the four last accepted their appointments and took their seats in congress, the first day of its meeting, September 5, 1774, at Philadelphia.

After the appointment of Mr.

Adams, as a delegate to the continental congress, and before his departure for Philadelphia, he met the friend of his youth and fellow student, Jonathan Sewall, attorney general of the province ; at the session of the court, which they were both attending at Falmouth. In a long and confidential interview, Sewall made a last powerful attempt to shake the resolution of his friend, and deter him from going to the congress. He pictured to him the power of the parent state : " that Great Britain was determined on her system ; her power was irresistible ; and would be destructive to him, and all those who should persevere in opposition to her designs." To these suggestions, Mr. Adams replied : " I know Great Britain has determined on her system, and that very fact determines me on mine ; that he knew I had been constant and uniform in opposition to her measures ; that the die was now cast ; I had passed the Rubicon—swim or sink, live or die, survive or perish with my country, was my unalterable determination." This was the last meeting of the two friends. The conversation was terminated by Mr. Adams saying to his friend : " I see we must part ; and with a bleeding heart, I say, I fear forever. But you may depend upon it, this adieu is the sharpest thorn on which I ever set my foot."

It was with these principles and feelings, that Mr. Adams repaired to the congress in Philadelphia, in September, 1774. He was placed on several of the most important committees, particularly on that which stated the rights of the colonies, and prepared the address to the

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\* On the same day, next year, the battle of Bunker hill was fought.

king. On his return to Massachusetts, in November of the same year, he found his friend Sewall engaged in supporting the government cause, in an ably written series of essays, under the signature of *Massachusettensis*. To these, Mr. Adams immediately commenced a reply, in twelve able papers, under the name of *Novanglus*; which abundantly served to counteract whatever influence the papers of Sewall might have had upon the public mind. Mr. Adams' papers were brought, we can hardly say to a premature, but to an abrupt close, by the battle of Lexington. Both series of papers were a few years ago collected and republished in a volume.

In 1775, the province of Massachusetts bay, by advice of the continental congress, organized an independent government. In the month of July, a council was chosen, to which were entrusted the executive functions in place of the governor and council. Under the provincial charter of this council, Mr. Adams was elected a member, and acted as such during the recess of congress.

Early this year, a commander in chief was to be chosen by the continental congress, to lead the armies raised, and to be raised, by the United States. General Ward, of Massachusetts, then commanded in chief, the forces of that state; and some obvious considerations recommended him, for the place now to be filled. The New England delegations were united, in his favor. In a conference with them, Mr. Adams opposed their views, and recommended the election of colonel Washington. Unable to reconcile them to this selection, he left them, expressing a

fixed opinion in favor of Washington; whose nomination was made the next day, at Mr. Adams' instance, by governor Johnson, of Maryland. The choice was unanimous.

The following year, 1776, was signalized by one of the most important incidents in Mr. Adams' life; his prominent course, in support of the declaration of independence. Preparatory to the introduction of that important measure, a committee, at the head of which was Mr. Adams, had reported a resolution, which congress adopted on the 10th of May; recommending, in substance, to all the colonies, that had not established independent governments, *to adopt such government as would, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and America in general.*

This preliminary declaration, as it may be called, of the independence of the several states, was followed by the motion for the independence of the United States of America; which was made on the 7th of June, by Richard Henry Lee, of Virginia.

Having been discussed on Saturday the 8th, and Monday the 10th of June, the resolution for independence was, on the last named day, postponed for farther consideration, on the 1st day of July. At the same time, and to prevent delay, in the event of the adoption of the resolution, a committee was chosen, by ballot, to prepare a declaration of independence. This committee consisted of Thomas Jefferson, John Adams, Benjamin Franklin, Roger Sherman, and Robert R. Livingston. The members



of this committee are supposed to have been arranged in the foregoing order, according to the number of votes, which each received. Mr. Jefferson had therefore received the highest number, and Mr. Adams the next highest number of votes ; and the difference between them is said to have been but a single vote.

Mr. Jefferson and Mr. Adams, standing thus at the head of the committee, were requested, by the other members of it, to act as a sub-committee, and to prepare the draft. A friendly altercation took place between Mr. Jefferson and Mr. Adams, by which of them the declaration should be drawn, each urging the honorable task on the other. Mr. Jefferson drew up the paper ; which after some small alterations by Dr. Franklin and Mr. Adams, was reported to congress.

On the 1st of July, the consideration of the resolutions was resumed. Instructions had now arrived, from all the colonies, which were in some instances discretionary. Many of the ablest members of congress were adverse to it. John Dickinson, the celebrated author of the Farmer's Letters, opposed it in an elaborate speech. Mr. Adams led the debate, in support of the declaration. "He was," says Mr. Jefferson, "our colossus on the floor. Not graceful, not elegant, not always fluent in his public addresses, he came out with a power both of thought and expression, which moved us from our seats." The congress sat with closed doors, and no report has come down to us of any of the speeches, which were made in this debate ; but the tradition is still fresh of the overwhelming power of the speech of Mr. Adams. The vote passed on the 2d of July : and a letter of Mr.

Adams to his wife, written the succeeding day, is too full of the spirit of prophecy and of the feelings of the revolution to be omitted in this place :

"Yesterday the greatest question was decided, that was ever decided, among men. A resolution was passed unanimously, 'that these United States are, and of right ought to be, free and independent states.'

"The day has passed. The 2d of July, 1776, will be a memorable epoch in the history of America. I am apt to believe, it will be celebrated by succeeding generations as the great anniversary festival. It ought to be commemorated as the day of deliverance, by solemn acts of devotion to Almighty God. It ought to be solemnized with pomp, shows, games, sports, guns, bells, bonfires, and illuminations, from one end of the continent to the other, from this time forever ! You will think me transported with enthusiasm, but I am not. I am well aware of the toil, blood, and treasure it will cost to maintain this declaration, and support and defend these states ; yet, through all the gloom, I can see a ray of light and glory. I can see that the end is worth more than all the means ; and that posterity will triumph, although you and I may rue—which I hope we shall not."

In this letter may be seen the ardent and zealous supporter of independence, exulting in the accomplishment of his earliest wishes.

The vision of his youth was realised. The object of all his writings and labors was accomplished. He had lived to see his countrymen adopt as a national measure, that entire separation from the mother country, which seemed to have al-



ways been the ruling passion of his heart. Mr. Adams early saw, that the principles of the British government, were incompatible with American freedom; and with the sagacity of a statesman, and the firmness of a patriot, he resolved on the independence of his country. To this object he had devoted himself; and though proscribed by Great Britain, and denounced at the beginning of the revolution by many of his own countrymen, in some of the other colonies, as a dangerous enthusiast, he now saw the continental congress adopt unanimously, what has been happily characterised as the sentiment of his life and his death, "INDEPENDENCE NOW, and INDEPENDENCE FOREVER."

In the course of the year 1776, Mr. Adams was elected by the council of Massachusetts, to the place of chief justice of that state. Preferring however the post of danger, he declined accepting the appointment. He continued a member of the congress, most assiduous and laborious in his attendance, until November 1777. He was on ninety committees, twice as many as any other member, with the exception of Richard Henry Lee, and Samuel Adams. Of twenty-five of these committees, he was chairman. He was also chairman of the board of war, and of the committee of appeals; two of the most important tribunals, in the then existing organization of the government.

In November 1777, Mr. Adams was appointed a commissioner to the court of Versailles, in conjunction with Franklin and Lee, and in place of Silas Deane. He proceeded, on that service, in February following, embarking on board the

Boston frigate, from the shores of his native town, at the foot of mount Wollaston. On the passage out, a large English vessel of war was descried by commodore Tucker, who commanded the Boston; and the commodore asked and received Mr. Adams' consent to engage her. On hailing the English vessel, she answered with a broad side. At this moment Mr. Adams, who had been advised by the commodore to retire below, was perceived forward among the marines, with a musket in his hand, which he had procured from their captain.

After passing about a year and a half at the court of France, he was superseded by a plenipotentiary commission to Franklin. This course was adopted by the congress, because "suspicions and animosities existed among the commissioners, highly prejudicial to the honor and interest of the country." This vote of censure was passed in April 1779. It was reported in general terms, so as to include all the commissioners. It was amended so as to designate five of them by name, and to except John Adams.

Mr. Adams, however, returned to his native country, and was sent by his fellow citizens of Braintree, to the convention for framing the constitution of Massachusetts. John Adams and Samuel Adams, as a sub-committee for that purpose, drafted the present constitution. The constitution was drawn up by John Adams; and the address to the people, which accompanied it, was prepared by Samuel Adams. This constitution of Massachusetts was one of the first of the new constitutions of state government, and served, in its leading features, as a model for many of the state constitutions subsequently formed.

and for the constitution of the United States.

Before the constitution was completed, and within three months after his return from France, he received from congress, 4th November, 1779, two commissions; one appointing him sole minister plenipotentiary to treat for peace, the other to form a commercial treaty with Great Britain. On the 17th November he embarked on board the French frigate *Sensible*. After a perilous voyage, he was obliged to land at Corunna, in Spain, and proceed by land to Paris.

The French court viewed with jealousy, Mr. Adams' commission to form a treaty of commerce with England, and the count de Vergennes advised him to keep it secret, with a view, no doubt, to attempt to prevail on congress to revoke it. Mr. Adams refused to communicate to the count his instructions on that subject. An altercation took place between Mr. Adams and the count, on a claim set up by France, for a discrimination in favor of French holders of continental paper, in the liquidation of that paper at forty for one. The count de Vergennes complained to congress, and transmitted copies of Mr. Adams' letters, and instructed the French minister in the United States to demand his recall. Congress, however, on the 12th December, 1780, passed a vote, approving his conduct, and on the 9th of June, 1781, refused to join any person with him in the negotiation. This vote, however, was, after an interview with the French minister, reconsidered, and Dr. Franklin, Mr. Jay, Mr. Laurens, and Mr. Jefferson associated with him in the commission to treat for peace.

While these movements took

place at home, Mr. Adams went to Amsterdam, August, 1780, and soon received a commission to negotiate a loan in that country. Notwithstanding the open violence of the British minister, Sir Joseph Yorke, and the secret intrigues of the French government, Mr. Adams succeeded in the objects of his mission in Holland. He engaged the co-operation of M. Cerisier, a historical writer of merit, and of M. Luzac, a scholar of great note, both editors of widely circulated political journals. He published himself a series of twenty-eight letters, addressed to Mr. Kalkoens, an eminent jurist at Amsterdam, which were followed up by a series of essays, by Mr. Kalkoens himself. These writings had a great effect on the policy of Holland. The states general joined the armed neutrality 27th November, 1780. In the following month, England declared war against them.

In February, 1781, Mr. Adams received commissions to form a treaty of amity and commerce with the states general; and to accede to the armed neutrality. These he communicated, October 19th, to the states general, accompanied with a memorial dated April 19th, 1781, against the wishes of the French minister. The popular feeling in favor of America was increased by this powerful appeal. On the 9th January, 1782, he presented another address, and demanded a categorical answer. The several provinces took it into consideration, and by a resolution of 19th April, 1782, it was decided, that he should be publicly received as minister plenipotentiary. On the 8th October, 1782, he concluded a treaty of amity and commerce with the states, and, during his re-

sidence in Holland, negotiated several very important loans.

Mr. Adams refused to go to Paris, to join in the negotiations for peace, till the British minister was instructed to acknowledge the independence of the United States. In the conduct of the negotiation, our ministers had to encounter the artifices of the French court, and, finally, to conclude the treaty against the letter of their own instructions, but to the infinite honor and advantage of their country. In concluding this treaty, Mr. Adams and Mr. Jay took upon themselves the responsibility of acting against their instructions, on the express ground, that our ally, France, was privately endeavoring to sacrifice the interests of the United States respecting the fisheries, and our western boundaries, in order to procure better terms for herself and Spain. By thus taking the subject into their own hands, and concluding a treaty with Great Britain, without consulting the French minister, as they were directed, they secured two important interests, and acquired the highest honor for firmness and sagacity.

On the 7th May, 1784, a commission was directed to issue to Mr. Adams, Dr. Franklin, and Mr. Jefferson, to negotiate treaties of commerce with foreign powers. The instructions for this commission were drawn up by a committee, of which Mr. Jefferson was chairman, and the treaty with Prussia was its fruit. In this treaty, an article was, for the first time, introduced, by which privateering, and the war on private property, was renounced between the two countries.

In 1785 Mr. Adams was ap-

pointed minister to London, and thus had the honor of first representing the sovereignty of the United States, at the court of their late monarch. His interview with the king, at his presentation, does honor to both. Mr. Adams was understood to have felt disgust at the policy disclosed by France, during the negotiation of the treaty of peace. The king, on receiving his credentials, forgetting that he addressed the representative of a sovereign state, expressed to Mr. Adams his satisfaction at receiving a minister, who had no prejudices in favor of France, the natural enemy of his crown. Mr. Adams, with admirable presence of mind, replied, "may it please your majesty, I have no prejudices but for my own countrymen." On occasion of this interview, the observation was made by George the third, which cannot be too often repeated for his credit. He told Mr. Adams, that "he had been the last to desire the independence of America, but would be the first to respect it."

While residing at London, in the year 1787, he published his "defence of the American constitution;" a work of merit and great ability, though composed with haste, on the spur of a particular occasion, in the midst of other occupations, and under circumstances which prevented its receiving a careful revision. Its immediate object was to counteract the weight of opinions, advanced by several popular European writers, particularly Turgot, the Abbé de Mably, and Dr. Price, in favor of a single legislative assembly, and the consolidation into one tribunal of the powers of government. The distribution of powers, as provided for by the present constitution of the United

States, was adopted, under a strong influence, on the minds of many of the members of the convention, of the arguments contained in this work of Mr. Adams.

Mr. Adams had early adopted the idea, that it was necessary, in order to insure the stability of a popular government, to separate the three great powers from each other. He had consequently earnestly enforced the importance of keeping distinct the executive, legislative, and judicial departments, and in order to prevent the legislative branch of the government from encroaching on the others, he proposed, that it should be divided into two chambers, each as a check upon the other. In this theory, he thought he saw all, that was essential to the perfection of a popular government. In the constitution of Massachusetts, he carried these opinions into effect; and this instrument which, as we have already mentioned, was drafted by him, was copied in its fundamental features, by many of the other states.

This division of powers was a principle to which Mr. Adams attached peculiar importance, and his letters to Wythe and R. H. Lee, as well as his work in defence of the American constitutions, show the unwearied pains he took to impress his countrymen with the same conviction.

At the close of the year 1787, Mr. Adams solicited permission to return after February of the next year, when the term of ten years from his first sailing in the foreign service of the country, should have been completed. This permission was granted to him, and at the same time, the following resolution was passed :

*“Resolved,* That congress en-

tertain a high sense of the services which Mr. Adams has rendered to the United States, in the execution of the various important trusts which they have from time to time committed to him; and that the thanks of congress be presented to him for the perseverance, integrity and diligence with which he has ably and faithfully served his country.”

Shortly after the return of Mr. Adams to America, the newly adopted constitution was to go into operation. Two persons were to be voted for, in the electoral colleges, for the offices of president and vice-president, without designation by the electors, whom they respectively preferred for each office. It was considered very desirable, throughout the country, that general Washington should be the first president, as nothing but his influence was thought adequate to carry the constitution—adopted by bare majorities in most of the states—through the trial of its first operations. In order to secure general Washington’s election, a large number of the electors, favorable to the elevation of Mr. Adams to the second office, threw away one of their votes. He was accordingly chosen vice-president, by a number of votes, which though next, was considerably inferior to that by which general Washington was raised to the presidency.

Mr. Adams sustained the office of vice-president with great dignity and success. Although not a member of the executive administration, he lived in unbroken harmony with general Washington, and was, on all important occasions, regularly consulted by him. The most important duty of the vice-president, is that of presiding over the deliberations of the senate. In this untried position,

without precedent to guide him, and for a considerable part of the time, called to decide very many of the most important questions, by his casting vote: Mr. Adams was so fortunate, at the close of eight years, when he retired from the chair of that dignified body, as to be able, in his address, to say, that "he never had the smallest misunderstanding with any member of the senate."

In 1790, Mr. Adams published his discourses on Davila; of which, the object was to counteract the increasing influence of the doctrines propagated by revolutionary France. In the division of opinions, that spread through America, on the subject of our foreign relations, Mr. Adams, with Washington, Jefferson, and almost all the statesmen of the strictly revolutionary age, endeavored to hold a medium, between the extremes, into which the community, under the lead of younger men, was rapidly advancing. The proclamation of neutrality, the great measure that fixed the course of the administration, was adopted by the unanimous consent of the members of general Washington's administration. On Mr. Jefferson, then secretary of state, had also devolved the duty, which he had discharged with singular ability, of resisting the extravagant assumptions of Genet. In his contemporaneous appointments of Mr. Jay to England, and Mr. Monroe to France, general Washington also seems to have acted on the principle, of holding the balance between the two parties, which were forming.

General Washington having refused to be a candidate for election, a third time, Mr. Adams and Mr.

Jefferson received the highest number of votes; and became severally president and vice president of the United States. Whatever feelings had mingled with the controversy, in the minds of a considerable portion of the community, it produced no coolness between Mr. Jefferson and Mr. Adams. In a letter to governor Langdon, written after the result of the election in 1797 was known, Mr. Jefferson observes, that he had no feelings, which could revolt at taking a station, secondary to Mr. Adams. "I have been secondary to him," he continues, "in every situation in which we ever acted together, in public life, for twenty years past. A contrary position would have been novelty, and his the right of revolting at it." In his address, on taking the chair of the senate, as vice president, Mr. Jefferson said, "No one more sincerely prays, that no accident may call me to the higher and more important functions, which the constitution eventually devolves on this office. These have been justly confided to the eminent character, which has preceded me here, whose talents and integrity have been known and revered by me, through a long course of years; have been the foundation of a cordial and uninterrupted friendship between us; and I devoutly pray he may long be preserved for the government, the happiness, and the prosperity of our common country."

On entering the office of chief magistrate of the United States, the first object, which presented itself to Mr. Adams, was the controversy with France. This was not only a subject of real difficulty, but it was peculiarly embarrassing,

in consequence of its having been the great subject, on which domestic parties had gone far to form themselves. Mr. Adams, the day after his inauguration, sought a confidential interview with Mr. Jefferson, and gave a strong proof of his inclination, both for conciliation with France, if practicable, on terms consistent with the national honor ; and for harmony at home. He proposed to Mr. Jefferson to go out as minister to that country ; regarding him not only as the individual most likely to influence the French government, but as the citizen, whose appointment would best satisfy those persons in America, who were favorably inclined toward France.

The state of the country, however, became such, as to counteract these conciliatory counsels. War, in a republic like ours, is a measure so strong, as to raise the division of opinions, on its expediency, to the extreme point of opposition. The conduct of the revolutionary governors of France was, however, such, as to rouse a very general indignation throughout the nation. President Adams was supported, in the stand he took against them, not merely by the federal party, but by a very considerable portion of the republicans. It is sufficient to appeal to the name of Patrick Henry, among those advanced in years ; who publicly expressed their resolution to support the president, in his counsels for vindicating the honor of the country. It is probable that Mr. Adams would have been finally sustained and re-elected, but for the schism, in the ranks of his friends. There was great difference of opinion as to measures,

and but little cordiality in feeling, between general Hamilton and his particular friends, and Mr. Adams. In the policy to be observed toward France, general Hamilton and his friends favored strong measures, great military establishments, and prompt resort to war. Mr. Adams and those who shared his views, were determined to engage in war, only in the last resort, and entertained different ideas of the extent of the necessary defensive military preparations ; and were favorable, in preference, to naval defence. Difference of opinion on these subjects, connected itself with equal variance of counsels of domestic policy. Important measures were brought forward, by the party of which he was considered the head, without his recommendation or desire. As the period of the next presidential election drew nigh, general Hamilton, in a pamphlet written with his usual power and ingenuity, denounced Mr. Adams, and avowed the intention of opposing his re-election.

Under these circumstances, his defeat followed of course. Notwithstanding this result, Mr. Adams was not without consolation, at the moment of retirement. He had given peace to the country, and had laid the foundation of a navy ; of which, from his very entrance on life, at the age of twenty, in the whole course of the revolutionary war, and throughout his administration, he had been the steady advocate. The greater part of the naval force, which covered the country with glory in the late war, was equipped under his administration. It had already furnished the means of chastising the Barbary powers. Prudent, however,



even in the establishment which he had most at heart, he signed on the last day of his presidency, an act for the reduction of the naval force of the country.

Retiring to private life, he devoted himself to the cultivation of literary and philosophical studies. Henceforward he took no public part in political affairs. When, however, new difficulties arose in the foreign relations of the country, and Great Britain showed a disposition to tread in the steps of France, by her aggressions on our neutral rights; Mr. Adams publicly expressed his approbation of the measures, adopted by Mr. Jefferson's administration in their defence.

In 1817, Mr. Adams was a member of the electoral college of Massachusetts; and in 1820, he was deputed, by his fellow-citizens of Quincy, to the convention for revising the constitution of his native state; a revision supposed to have been rendered necessary, by the separation of Maine. Of this convention he was elected president; but declined the chair, in consequence of his advanced age. In addition to the tribute of respect contained in this election, the convention passed the following resolutions:—

“Whereas the honorable John Adams, a member of this convention, and elected the president thereof, has, for more than a half a century, devoted the great powers of his mind and his profound wisdom and learning to the service of his country and of mankind;

In fearlessly vindicating the rights of the North American provinces, against the usurpations and encroachments of the superintendant government;

In diffusing a knowledge of the principles of civil liberty, among his fellow subjects, and exciting them to a firm and resolute defence of the privileges of freemen;

In early conceiving, asserting, and maintaining the justice and practicability of establishing the independence of the United States of America:

In giving the powerful aid of his political knowledge in the formation of the constitution of this his native state; which constitution became in a great measure the model of those which were subsequently formed:

In conciliating the favor of foreign powers, and obtaining their countenance and support in the arduous struggle for independence:

In negotiating the treaty of peace, which secured for ever the sovereignty of the United States, and in defeating all attempts to prevent it, and especially in preserving in that treaty the vital interest of the New England states:

In demonstrating to the world, in his defence of the constitutions of the several United States, the contested principle, since admitted as an axiom, that checks and balances in legislative power, are essential to true liberty:

In devoting his time and talents to the service of the nation; in the high and important trusts of vice president of the United States:

And lastly in passing an honorable old age, in dignified retirement, in the practice of all the domestic virtues, thus exhibiting to his countrymen and to posterity an example of true greatness of mind and of genuine patriotism:

Therefore resolved, that the members of this convention, representing the people of the common-



wealth of Massachusetts, do joyfully avail themselves of this opportunity to testify their respect and gratitude to this eminent patriot and statesman, for the great services rendered by him to his country ; and their high gratification that at this late period of life, he is permitted by divine providence to assist them with his counsel, in revising the constitution which forty years ago, his wisdom and prudence assisted to form :

Resolved, that a committee of twelve be appointed by the chair, to communicate this proceeding to the honorable John Adams, to inform him of his election to preside in this body, and to introduce him to the chair of this convention."

Although unable to assume the office of presiding in the deliberations of the convention, Mr. Adams occasionally took part in its discussions ; and had the satisfaction, in the final result, to perceive, in the small number of amendments proposed, and the still smaller number of them adopted by the people, the most satisfactory proof, that the constitution of the state, which he had in his youth the principal agency in forming, was deemed by the people after forty years trial, essentially adequate to the wants of the community, without need of material alteration.

Mr. Adams lived to enjoy the satisfaction of seeing his son elected to the chief magistracy of the United States. Rare as such an occurrence, under any circumstances must be, it is still more remarkable, when we duly consider the strong prejudice, which justly prevails in this country, against the hereditary transmission of office. It is unquestionably true, that the cir-

cumstance that his father had been president of the United States, instead of promoting, would tend to prevent the elevation of any candidate to that office.

But the time and circumstances of Mr. Adams' death, are unquestionably not less interesting than any event in his life. It took place on the anniversary of the declaration of independence, at the close of the half century from that memorable era, in full consciousness of the character of the day ; and with an allusion, in the last moments of life, to Thomas Jefferson, his illustrious fellow laborer, who also expired the same day.

Although we have almost wholly confined ourselves to Mr. Adams' political life and character, his literary reputation ought not to be overlooked. He was a sound scholar, versed in the ancient languages, and in many branches of general literature. His style of writing was forcible and perspicuous ; and in the latter years of his life remarkably easy and elegant. He was the original proposer of the institution of the American academy of arts and sciences, a liberal patron of its library, and for several years its president. To his native town, he made donations and bequests toward the foundation and endowment of an academy and the building of a church.

In his person he was of middling stature ; his manners were formed on the courtesy of the old school ; industry enabled him to discharge honorably the almost innumerable duties that devolved on him after the revolution began ; temperance procured him the blessing of a healthful old age ;—and a long life passed in obedience to the laws of

virtue, under the sanctions of religion, prepared him for a death of peace and hope.

#### THOMAS JEFFERSON.

At Monticello, in the 84th year of his age, Thomas Jefferson, late president of the United States of America.

It was a very extraordinary circumstance, among those, which prepared the way for the American revolution, that the leading colonies of the north and south were equally embarked in it. Settled at different periods, from different causes, and by classes of men wholly unlike; and called to very different fortunes for a century after their foundation, the northern and southern colonies could scarcely have been expected to feel and act in concert on any question, much less, on one likely to call into exercise every description of local prejudice. The British government calculated on a want of concert between the different parts of the country. They thought the south would feel no sympathy with the distresses of the north, and that the north would look with jealousy on the character and institutions of the south. Among the numerous events, which occurred, to frustrate whatever hopes may have been built on this foundation, the simultaneous appearance, in Massachusetts and Virginia, of characters, corresponding in so many respects as those of Thomas Jefferson and John Adams, in their qualifications for the public service was not the least important.

Thomas Jefferson was descended from ancestors, who had been

settled in Virginia for some generations. His father, Peter Jefferson, was surveyor of the state, and from him Mr. Jefferson inherited what was then deemed an immense fortune. He was born near the spot, on which he died, in the county of Albemarle, on the 2d of April, (old style,) 1743. At this period, the society of Virginia presented very nearly the same division of ranks, that exists in England. There was the landed aristocracy, shadowing forth the order of the British nobility; the middle class of citizens, consisting principally of the yeomanry, and common to both countries; and a feculum of beings, as they were called by Mr. Jefferson, corresponding with the lowest class of the community in England.\*

Mr. Jefferson, by birth, belonged to the aristocracy; but the idle and voluptuous life, that prevailed in that class of society, had no charms for him. From the first moment, his own character disclosed itself, he threw himself into the ranks of the people.

His youthful studies were pursued in the neighborhood of his father's residence, until he was removed in due time to William and Mary college, through which he passed, with the highest reputation for talent, industry, and scholarship. Selecting the profession of the law, he commenced and pursued its studies, under George Wythe, a master well worthy of such a pupil. In this school he acquired, as far as such things are matter of acquisition, that unrivalled neatness, system, and method in business, which, through

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\* Mr. Wirt's Discourse, page 26.

all his future life, and in every office which he filled, enabled him to accomplish the most arduous and multiplied duties, with precision, punctuality, and in the most perfect form of execution.

It is a prevalent error, that Mr. Jefferson made no figure at the bar. The case was far otherwise. There still remain, in his handwriting, a number of arguments, delivered by him at the bar, upon some of the most intricate questions of the law, which, if they should ever see the light, will, in the opinion of a most competent authority,\* vindicate his claim to the first honors of the profession. It might, indeed, with all persons acquainted with the talents and perseverance of Mr. Jefferson, been admitted, as a matter of necessity, without any proof of the fact, that he must have been a profound adept, in the profession of his voluntary choice and pursuit. It is true, he was not distinguished in public debate. This was merely a physical defect. He wanted volume and compass of voice for a large assembly; and his voice, from the excess of his sensibility, instead of rising with his feelings and conceptions, sunk under their pressure, and became guttural and inarticulate. The consciousness of this infirmity, repressed any attempt, on the part of Mr. Jefferson, to speak in large deliberative assemblies. It is an additional proof of his intellectual ascendancy, that he rose, in the morning of life, to the height of influence, from which he never afterwards descended, without having the command of what is ge-

nerally considered the necessary instrument of controlling popular bodies.

Mr. Jefferson was still a student of law at Williamsburg, when, in 1766, the resolutions of Patrick Henry, against the stamp act, were moved in the assembly of Virginia. He was present during the whole of the extraordinary and memorable debate, on this question, in the door of communication between the lobby and the house. He has left an account of the scene, in his own words. The opposition to the last resolution was most vehement. The debate, to use the strong expression of Mr. Jefferson, became "most bloody;" but it was carried by a single vote. "I well remember," continues Mr. Jefferson, in his account, "the cry of 'treason' by the speaker, echoed from every part of the house, against Mr. Henry. I well remember his pause, and the admirable address, with which he recovered himself, and baffled the charge thus vociferated."

It has been justly pointed out, as one of the beautiful features of the parallel, which has been run between Mr. Jefferson and Mr. Adams, that this interesting event in Mr. Jefferson's life took place, when he was of very nearly the same age, at which Mr. Adams, in 1761, had listened to the thrilling eloquence of James Otis, on the subject of *writs of assistance*.

From this time forward, Mr. Jefferson stood forward as a champion for his country. He adopted, as the motto of his seals, "Ab eo libertas a quo spiritus," and "Resistance to tyrants, is obedience to

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\* Mr. Wirt.

God." His first official participation in the counsels of the day, was as a member of the state convention of Virginia, which, in 1774, appointed the first delegates to the continental congress. On his way to Williamsburg, he fell sick; and, in consequence of this circumstance, sent forward to be laid on the table of the convention, a draft of instructions to the delegates, whom Virginia might send. This paper was read by the members, and published by them, under the title of "a summary view of the rights of independent America." A copy of this work having found its way to England, it received, from the pen of Mr. Burke, such alterations as were necessary to suit it to the meridian of the opposition, in that country, and appeared in a new edition at London. This circumstance, as Mr. Jefferson afterwards learned, procured the insertion of his name in a bill of attainder, which, however, did not pass in parliament. The effect, which this work produced on lord Dunmore, the governor of Virginia, at the time of its appearance at Williamsburg, is still remembered, by the aged inhabitants of that place. He put no bounds to the expressions of his anger, or of his purpose of revenge.

In the year 1775, Mr. Jefferson, although, of course, one of the youngest members of the Virginia legislature, was designated to prepare the answer to what was called lord North's "conciliatory proposition." It remains on record, and possesses the characteristic marks of Mr. Jefferson's mind, and of the spirit of the time.

In the same year, Mr. Jefferson was elected a member of the continental congress; but being deputed contingently, (to supply the place of Peyton Randolph,) he did not take his seat, at the commencement of the session. Five days after the appointment of general Washington, as commander-in-chief of the American armies, Mr. Jefferson first took his seat as a member of the continental congress.

The circumstances of his designation the following year, to draft the declaration of independence, have been related in the preceding sketch of the life of Mr. Adams. The original draft, as brought by him from his study, and submitted to the other members of the committee, with interlineations in the hand-writing of Dr. Franklin, and others in that of Mr. Adams, was in Mr. Jefferson's possession, at the time of his death. The merit of this paper is Mr. Jefferson's. Some changes were made in it by the committee, and others by congress, while it was under discussion. But none of these changes altered the tone, the frame, the arrangement, or the general character of the instrument. As a composition, the declaration is Mr. Jefferson's. It is the production of his mind; and the high honor of it belongs to him, clearly and absolutely.\*

Although not participating in public debate, the influence of Mr. Jefferson over the minds of the members, through the channels of private intercourse, was early felt. "Though a silent member, (says his venerable copatriot,†) he was

\* Mr. Webster's Discourse.

† Letter of John Adams, 2d August, 1822.

so prompt, frank, explicit, and decisive upon committees—not even Samuel Adams was more so—that he soon seized my heart.” On the great occasion which had now arrived, all this influence was successfully put forth ; and while Adams was sustaining the declaration with the strength of his impassioned and overwhelming oratory, Jefferson was co-operating to the same end, by all the resources of an unrivalled personal influence.

In September of the year 1776, Mr. Jefferson was appointed a minister to France ; but the situation of his family compelled him to decline the appointment, and the same cause requiring his presence at home, led him to resign his seat in the congress. He was, however, elected a member of the house of delegates in Virginia. The following year, he entered with Pendleton and Wythe, on the discharge of a duty, intimately connected with the higher and final objects of the revolution, as far as Virginia was concerned—a revision of the laws of that state. One of his distinguished associates withdrew from the work, and the other died shortly after its commencement, leaving both the responsibility and glory to Jefferson. In June 1779, he presented the result of his labors to the legislature, in what is called the revised code. In adapting this code to the political condition of Virginia, under a republican government, he found it necessary to materially modify, or rather to remould the foundations of the commonwealth. The most important of these alterations, were those prohibiting the farther importation of slaves ; and those relating to entails, primogeniture and the established church. He also prepared a law for the gradual

emancipation of slaves which was not incorporated into the code. The law of entails had already been abrogated, on the suggestion of these patriotic jurists. That of primogeniture, on which, in conjunction with the law of entails, the aristocracy of the state was founded, was now repealed, and with it the laws making provision for the support of an established church, at the expense of the state. The preamble to the bill establishing religious freedom in Virginia, was esteemed by Mr. Jefferson one of his happiest efforts, and the measure itself, one of his best services to his country. The legislative enactments now alluded to, form, of course, but a small part of the entire revision of the laws, which was accomplished by Messrs. Jefferson, Pendleton and Wythe. The collection of bills reported by them, amounted to 126, and constitute a well digested and comprehensive system of jurisprudence.

In 1779, he was elected governor of Virginia, in the place of Patrick Henry. He filled the chair of state at a time of great anxiety and peril for the state of Virginia, which became, at this period, the theatre of war. Benedict Arnold invaded and ravaged those portions of it, within reach, by predatory incursions. An attempt was subsequently made to impeach the conduct of Mr. Jefferson, in the discharge of the arduous duties of this crisis. His defence, however, was prompt and triumphant ; and he received from the house of delegates, before whom the investigation was conducted, an unanimous vote of thanks for his impartial, upright, and attentive administration while in office.

In 1781, Mr. Jefferson wrote his notes on Virginia, in answer to the written queries of M. Barlie Mar-

bois, then resident in this country. The following year the work was corrected and enlarged; and reprinted in a translation in France. No publication, which had appeared in America before it, can be placed as a literary composition, on a level with the notes on Virginia; and the office which was discharged by Mr. Jefferson, in this vindication of his country, against the misrepresentation of foreign popular writers of great celebrity, was not unworthy of one, who had shown himself so able a leader, in her political councils. It is a work, which, under any circumstances, would secure to its author a permanent literary reputation.

In 1782, Mr. Jefferson returned to the continental congress. The following year he prepared the draft of a constitution, to be offered to the convention, expected to be called, that year, to reform the constitution of Virginia. Mr. Jefferson was also the author of the preamble to the constitution, which had been adopted in Virginia, in 1776. In the plan of a constitution, drawn up by him in 1783, Mr. Jefferson introduced the principles of a representation in the legislature, proportioned to the number of qualified voters, and a general right of suffrage. These principles had been maintained against the unequal representation and limited suffrage of the present constitution, in Mr. Jefferson's notes on Virginia; and in several able letters written within a few years past, they were cogently advocated anew, in support of such a reform of the constitution of Virginia, as is demanded by the principles of republicanism, and will, in all probability, soon take place.

In 1784, Mr. Jefferson was as-

sociated with Franklin, Adams, Jay and Laurens, in a plenipotentiary commission, addressed to the several powers of Europe. By the two first of these commissioners, in conjunction with Mr. Jefferson, the treaty of Prussia was negotiated at the Hague, in 1785. In that year, Mr. Jefferson was elected our minister to France. His reputation was already established among the learned men of that country; by the translation of his notes on Virginia, and procured him an enviable access to the vast scientific and literary resources of Paris.

In the great work, which meantime was going on at home, the formation of the constitution of the United States, Mr. Jefferson had no immediate participation. The same is true of Mr. Adams, who was at the same period in England. They had both indeed furnished models of constitutions, coinciding in the leading principles of representative government; Mr. Adams in the constitution which had been adopted in Massachusetts, and Mr. Jefferson in that, which he had prepared for Virginia. But the direct agency of framing the federal constitution, passed to a considerable degree into the hands of the younger patriots of the revolutionary age, and of the generation, which was rising up in succession to them, the leaders of the two classes being Hamilton and Madison.

On the adoption of the constitution, and the organization of the government under it, Mr. Jefferson was, by the urgent solicitation of general Washington, prevailed upon to accept of the department of state; in which office he gave the tone, under the president, to the foreign policy of the country. It



was during his administration of this department, that the French revolution burst forth ; and the division of feeling consequent upon it, began to exhibit itself among the American people. Like most of the other patriots of the revolution, Mr. Jefferson aimed to hold the golden mean between the violent extremes of public opinion. His skill and firmness were as conspicuously displayed in his correspondence with M. Genet, as in that with Mr. Hammond. When it became necessary for the administration to take a decided step, the proclamation of neutrality was resolved upon, by the unanimous consent of the cabinet.

It was not long, however, before the divisions of opinion, which existed in the community, manifested themselves in the cabinet of general Washington too decisively, for that harmonious action necessary to the welfare of the state. Mr. Jefferson, unable to act with general Hamilton, who, with talents of the highest order, entertained, on most points, political opinions variant from his own, retired from the administration, with the purpose of devoting himself to the pursuits of an elegant and philosophic leisure. An ample library and scientific apparatus, an unconquerable thirst for learning, in all its branches, and a taste refined in the best school of European civilization, furnished resources abundantly sufficient to occupy him, in his seclusion from the laws of office.

To the gratification of this purpose, the will of the people opposed an insuperable obstacle. On the retirement of general Washington from the presidency, the weight of an influence, which prevailed equally in all hearts and over all interests

and parties, ceased to be felt. The country was now, for the first time, canvassed for the election of a chief magistrate ; and the two parties were arrayed against each other. It would have been wholly out of place, to attempt a history of these divisions, which were now for the first time manifested, in a presidential election. Their basis may possibly be sought, in geographical limits, which will be found, perhaps, more than any thing else, to lie at the foundation of our various political controversies. Mr. Adams had the unanimous votes of the states north of the Delaware, and Mr. Jefferson a very large majority of those south. To a geographical division of parties like this, no permanent remedy, in ordinary times, can be expected. The principle of it operates in our state, county, and even town elections ; and must prevail in those more important national ones, in which the citizens of the remotest parts of the union take part.

With what feelings toward each other, Mr. Jefferson and Mr. Adams entered upon their respective duties, the one as president and the other as vice president, has already been seen in the sketch of Mr. Adams' life. In the chair of the senate, Mr. Jefferson distinguished himself as a dignified presiding officer. That gravity and decorum, which had subsisted unimpaired, during the discussions of the former administration, still characterised its proceedings. No other proof of the respectable character of the parliamentary proceedings of the senate at this period, and during the preceding administrations need be sought, than the manual which Mr. Jefferson compiled, during his vice presidency, from the best English authority,



and the practice of the senate itself ; a work, which still remains the rule of our parliamentary proceedings.

During the vice presidency of Mr. Jefferson, the political division of the American family reached its crisis. The foreign relations of the country, furnished the chief aliment, and these had been made to assume the most embarrassing forms, by all the preliminary measures of war. In the result of the presidential contest, Mr. Jefferson was elected to the chief magistracy of the country.

He entered on this exalted station, under the most favorable circumstances, and with every disposition to avail himself of them, for the welfare of the country. Peace was already concluded with France, by a treaty negotiated under the former administration, and which remained only to be ratified. This circumstance authorised a general reduction of the military establishments of the country. A reduction of the naval establishment had already begun, and the removal of the burden of taxation was an easy consequence. In applying however this principle of retrenchment to the infant navy of the United States, he carried it so far, as to materially impair the ability of the country to vindicate her maritime rights. It may be justly considered as the fundamental error of his administration. Our foreign commerce, released from all its embarrassments, by the treaties with England and France, and continually extending itself to meet the consumption of a most rapidly increasing population, poured a tide of wealth into the treasury, and furnished the means for the reduction of the national debt. In his inaugural address, Mr. Jefferson

painted in bright colors the prosperous state in which he found the country, on his accession to the chair of state.

But while Mr. Jefferson strenuously pursued the policy of retrenchment, under the circumstances which so remarkably favored the application of that policy, he adventured on one measure, which might have startled an infant government, even as a matter of finance ; and which, in its political relations, was of the boldest and most decided cast. This is not the place to dwell upon the purchase of Louisiana ; nor will this generation be able to do justice to the subject, in all its consequences. It may only be observed that, to the student of our constitution, it already presents the most curious and profound inquiries into the limits of the treaty-making power, and the mode, by which a foreign people may become incorporated in our free republic. To the patriot citizen it appears, as a peaceful acquisition more extensive and more important, than any that was ever gained, on fields of blood by contending hosts.

Although Mr. Jefferson was the first president who enjoyed the satisfaction of finding his administration gain strength from year to year among the people, he declined a nomination, as a candidate for a third term in office, and retired from public life in 1809. Henceforward he took no part in public affairs. When the library of congress was destroyed in 1814, in the sack of Washington, Mr. Jefferson promptly placed his own at the command of that body, and thus consented, for the sake of animating the spirits of the country, at a moment of depression, to deprive himself of the

cherished resources of his philosophic retreat.

On the return of peace, he devoted himself to a new and noble enterprise, the foundation of the university of Virginia. This magnificent institution is justly called "his work; his the first conception; his the whole impulse and direction; his the varied and beautiful architecture, and the entire superintendence of its erection; the whole scheme of its studies, its organization and government are his."—(Vide Wirt's Discourse.)

This great enterprise filled up the closing years of Mr. Jefferson's life. Temperance, industry, and method, had enabled him also, as it were, to multiply his existence, and to crowd, into one life, objects seemingly numerous and vast enough for many lives. The mere reception and entertainment of visitors, drawn to his abode by his splendid reputation, was almost enough to fill the hours of a busy day. The following description of his abode may be not inappropriately be introduced here:—

"The mansion house at Monticello was built and furnished in the days of his prosperity. In its dimensions, its architecture, its arrangements, and ornaments, it is such a one as became the character and fortune of the man. It stands upon an elliptic plain, formed by cutting down the apex of a mountain; and, on the west, stretching away to the north and the south, it commands a view of the Blue Ridge for a hundred and fifty miles, and brings under the eye one of the boldest and most beautiful horizons in the world: while, on the east, it presents an extent of prospect, bounded only by the spherical form of the earth, in which nature seems to sleep in eternal repose,

as if to form one of her finest contrasts with the rude and rolling grandeur on the west. In the wide prospect, and scattered to the north and south, are several detached mountains, which contribute to animate and diversify this enchanting landscape: and among them, to the south, Williss' mountain, which is so interestingly depicted in his notes. From this summit, the philosopher was wont to enjoy that spectacle, among the sublimest of nature's operations, the looming of the distant mountains; and to watch the motions of the planets, and the greater revolution of the celestial sphere. From this summit, too, the patriot could look down, with uninterrupted vision, upon the wide expanse of the world around, for which he considered himself born; and upward, to the open and vaulted heavens which he seemed to approach, as if to keep him continually in mind of his high responsibility. It is indeed a prospect in which you see and feel, at once, that nothing mean or little could live. It is a scene fit to nourish those great and high-souled principles which formed the elements of his character, and was a most noble and appropriate post, for such a sentinel, over the rights and liberties of man.

"Approaching the house on the east, the visiter instinctively paused, to cast around one thrilling glance at this magnificent panorama: and then passed to the vestibule, where, if he had not been previously informed, he would immediately perceive that he was entering the house of no common man. In the spacious and lofty hall which opens before him, he marks no tawdry and unmeaning ornaments: but before, on the right, on the left, all around, the eye is struck and grati-

fied with objects of science and taste, so classed and arranged as to produce their finest effect. On one side, specimens of sculpture set out, in such order, as to exhibit at a *coup d'œil*, the historical progress of that art; from the first rude attempts of the aborigines of our country, up to that exquisite and finished bust of the great patriot himself, from the master hand of Caracci. On the other side, the visiter sees displayed a vast collection of specimens of Indian art, their paintings, weapons, ornaments, and manufactures; on another, an array of the fossil productions of our country, mineral and animal; the polished remains of those colossal monsters that once trod our forests, and are no more; and a variegated display of the branching honors of those 'monarchs of the waste,' that still people the wilds of the American continent.

"From this hall he was ushered into a noble saloon, from which the glorious landscape of the west again burst upon his view; and which, within, is hung thick around with the finest productions of the pencil—historical paintings of the most striking subjects from all countries, and all ages; the portraits of distinguished men and patriots, both of Europe and America, and medallions and engravings in endless profusion.

"While the visiter was yet lost in the contemplation of these treasures of the arts and sciences, he was startled by the approach of a strong and sprightly step, and turning with instinctive reverence to the door of entrance, he was met by the tall, and animated, and stately figure of the patriot himself—his countenance beaming with intelligence and benignity, and his out-

stretched hand, with its strong and cordial pressure, confirming the courteous welcome of his lips. And then came that charm of manner and conversation that passes all description—so cheerful—so unassuming—so free, and easy, and frank, and kind, and gay—that even the young, and overawed, and embarrassed visiter at once forgot his fears, and felt himself by the side of an old and familiar friend. There was no effort, no ambition in the conversation of the philosopher. It was as simple and unpretending as nature itself. And while in this easy manner he was pouring out instruction, like light from an inexhaustible solar fountain, he seemed continually to be asking, instead of giving information. The visiter felt himself lifted by the contact, into a new and nobler region of thought, and became surprised at his own buoyancy and vigor. He could not, indeed, help being astounded, now and then, at those transcendant leaps of the mind, which he saw made without the slightest exertion, and the ease with which this wonderful man played with subjects which he had been in the habit of considering among the *argumenta crucis* of the intellect. And then there seemed to be no end to his knowledge. He was a thorough master of every subject that was touched. From the details of the humblest mechanic art, up to the highest summit of science, he was perfectly at his ease, and, every where at home. There seemed to be no longer any *terra incognita* of the human understanding: for, what the visiter had thought so, he now found reduced to a familiar garden walk; and all this carried off so lightly, so playfully, so gracefully, so engagingly, that he won every heart that

approached him, as certainly as he astonished every mind."

Mr. Jefferson was in stature tall and erect, and active in his movements. He possessed a taste for some of the polite accomplishments, particularly for music, and in younger life performed occasionally on the violin. He was an elegant scholar, an accomplished linguist, a proficient in several parts of natural science, and a great patron of literary enterprise. He presided for many years over the American Philosophical society at Philadelphia. While president of the United States, he projected the expedition of Lewis and Clarke across the continent, and much of the success of that well conducted expedition is due to his counsels.

The remarkable parallel, which may be traced between the lives of Mr. Jefferson and Mr. Adams, from their entrance on public life, to their departure from this world, makes it proper to record the renewed intercourse of their declining years. Their early friendship and co-operation in the public service, their temporary separation, and subsequent revived intimacy, have been a natural theme of reflection to the numerous eulogists, that have celebrated their lives and characters. It has been most beautifully observed, "that the streams of their lives were united near their sources, and, joined in one current, had forced their way through mounds of earth, and swept over appalling barriers—but at length divided in their course by a rough island of rock, they rushed by its opposing sides with turbulent and emulous rapidity, until at last their waters were commingled in peace, and flowed on tranquil and majestic into the ocean of eternity." (Vide, Mr. Sprague, of Hallowell.)

It is gratifying to reflect, that, in the most violent periods of political contention, and while Mr. Jefferson and Mr. Adams were regarded as the heads of the two great parties in the country, and were rival candidates for the chair of state, the courtesies of private life were not neglected between them. The biographer of Mr. Pitt informs us, that for twenty-four years that eminent statesman never met Mr. Fox, in a private room. On the very eve of the election, in 1800, Mr. Jefferson and Mr. Adams were in the exchange of all the offices of social life, and good neighborhood. That they may, in moments of excitement, have felt and spoken, in reference to each other, in the character of the leaders of opposite parties, is matter of course. But whatever estrangement, at any time existed, it was transitory in its duration; and a correspondence arose between them, in their latter years, which, "if it ever be given to the world," says Mr. Wirt, "I speak from knowledge when I say, will be found to be one of the most interesting and affecting, the world has ever seen. It resembles, more than any one thing else, one of those conversations in the elysium of the ancients, which the shades of the departed great were supposed by them to hold. There are the same playful allusions to the points of difference, that had divided their parties; the same mutual, and light, and unimpassioned raillery on their own past misconceptions and mistakes; the same mutual and just admiration and respect for their many virtues and services to mankind. That correspondence was to them both, one of the most genial employments of their old age, and it reads

a lesson of wisdom on the bitterness of party spirit, by which the wise and the good will not fail to profit."

If any thing were wanting to convince this generation of the unutterable importance of the American revolution, it would be the closing scene of the lives of Mr. Jefferson and Mr. Adams. Passing over the long succession of great and memorable scenes, with which their after lives were filled, their minds, in the very moments of dissolution, went back, and dwelt on the first struggles of American liberty.

On the morning of the 4th of July, Mr. Adams, then evidently near his death, awoke at the ringing of bells, and the firing of cannon. The servant who watched with him, asked him, if he knew what day it was? "O yes," he replied, "it is the glorious 4th of July—God bless it, God bless you all."

In the forenoon, the orator of the day, the Rev. Mr. Whitney, the parish minister of Mr. Adams, called to see him, and found him seated in an arm chair. In the course of the interview, Mr. Whitney asked him for a sentiment, to be given at the public table. He replied, "I will give you, independence for ever!" After a few moments had elapsed, a lady asked him, if he wished to add any thing to the toast? and he said "not a syllable." This passed an hour or too, only, before he breathed his last. In the course of the day, he said, "it is a great and a good day." That his thoughts were dwelling on the scene of 1776, is evident from the last words which he uttered, "Jefferson survives,"\* which were

spoken about the time that Jefferson expired.

In like manner, Mr. Jefferson, in the short intervals of delirium which occurred in his last hours, seemed to dwell exclusively on the events of the revolution. He talked in broken sentences of the committee of safety. One of his exclamations was, "Warn the committee to be on their guard;" and he instantly rose in his bed, with the help of his attendants, and went through the act of writing a hurried note. But for the greater part of the time, during the last days of his life, he was blessed with the enjoyment of his reason. The only anxious wish he uttered for himself was, that he might live to breathe the air of the fiftieth anniversary of independence. When that day arrived, he was repeatedly heard to murmur, *nunc dimittis Domine*, Lord, now lettest thou thy servant depart in peace!

When, since the death of Socrates, can any thing be found, that will bear a comparison with the death-bed scene of these two great men?

One circumstance only remains to be noticed in the biography of Mr. Jefferson. In a private memorandum, found among some other obituary papers and relics of Mr. Jefferson, is a suggestion, in case a monument to his memory should ever be proposed, that it should be a granite obelisk, of small dimensions, with the following inscription:—

"Here lies buried Thomas Jefferson, author of the Declaration of Independence; of the Statutes of Virginia, for Religious Freedom; and Father of the University of Virginia."

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\* Judge Cranch's Memoir on the life, character, and writings of John Adams, p. 57, 58.

# CONTENTS.

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	Page.
Retrospective view—Independence of the United States—Abolition of Colonial System—Views of Great Britain—Independence of Spanish America—Policy of the United States—Dissolution of Parties—Visit of La Fayette—National Jubilee—Death of Adams and Jefferson,	1
Inauguration of President. Meeting of Senate—Lanman's Case—Treaty with Colombia—Opposition—Creek Controversy—Indian Affairs—Captains Porter and Stewart—Internal Improvement—Commerce,	29
Opening of the 19th Congress. Amendments to the Constitution, proposed by Mr. M'Duffie—By Mr. Benton—Discussion of same—Decision. Proposal to reduce Executive Patronage.	57
Proceedings of Senate on the Panama Mission. Mr. Branch's resolution—Mr. Randolph's conduct—Duel with Mr. Clay—Proceedings in the House of Representatives on the Panama Mission—Panama Congress,	79
Bill to extend the Judiciary System—Proceedings in House—Defeated by the amendment of Senate. Annual Report of Secretary of Treasury. Report of Committee of Ways and Means. Appropriations for Fortifications—Support of Government—Army—Navy. Public buildings. Bill for relief of Revolutionary Officers. Francis Larche. Conclusion of Session.	127
WEST INDIES. European Colonies. British West Indies. Order in Council. Proceedings in Jamaica—Cuba—Political Condition—Government. Hayti—its Government—French Ordinance—Nature of it—Accepted by Boyer—Loan—Disturbances—State of Hayti,	153
MEXICO. Victoria President—Congress—Surrender of ship Asia—St. Juan de Ullua—Government, and Political Condition in 1826—Cuba—Sonora—Texas. CENTRAL AMERICA. Constitution—Arce President—Political Condition. RIO DE LA PLATA. Constitution—Rivadeira—Political Condition—War with Brazil. CHILI. Commotion—Surrender of Chiloe—Congress—Freire. PARAGUAY. Congress of Panama,	167
COLOMBIA in 1825. Bolivar President—Recognized by the United States and England—Rumored Invasion of Cuba—Santander—Congress. PERU. Battle of Ayacucho—Olaneta—Castles of Callao—Congress—Bolivar—Upper Peru. Constitution of BOLIVIA. State of Peru in 1826—Insurrection of Paez—Views of the Government—Proceedings in Venezuela—In Quito—Views of Bolivar—Warlike operations in Venezuela—Bolivar arrives at Bogota—Reforms—Bolivar in Venezuela—Tranquillity restored,	179
BRAZIL. Independence Acknowledged—Character of Pedro—Invasion of Chiquitos—Banda Oriental—Insurrection—Lavalleja—Battle of Sarandi—The Banda united to Buenos Ayres—Pedro declares War—Progress of it—Future prospects,	199
GREAT BRITAIN. Ministers—Parliament 1825—Address—Catholic Association—Catholic Relief. Finance and Trade—Other Laws—Greeks—Treaties—Pecuniary Distress—Parliament 1826—Currency—Finance—Slavery—Miscellaneous—Pecuniary Difficulties—Sufferings of Manufacturers—Dissolution of Parliament—Elections,	207
FRANCE. Death of Louis XVIII.—Accession of Charles X.—Ministers—Chambers of 1825—Indemnity to Emigrants—Finances—Sacrilege	



## CONTENTS.

Laws—South America—Hayti—Coronation—La Fayette—Prosecution of Journals—Death of Foy—Chambers of 1826—Law of Succession—Finance—Religious Disputes—Views of the Government,	227
SPAIN in 1825. Zea Bermudez—Political condition—Disturbances—Besieres rebels—Party of Don Carlos—Death of el Empecinado and Iglesias—Colombians—Infantado appointed minister—Algerine war—Spain in 1826—Disturbances—J. G. Salmon succeeds Infantado—Proceedings on the Portuguese frontier. PORTUGAL. Brazil independent—John dies—Constitution and Regency—Incursion from Spain—Chaves—Aid from England,	239
Political condition of ITALY. Rome—Naples. AUSTRIA. Hungary. SARDINIA and SWITZERLAND. NETHERLANDS. BAVARIA. SWEDEN. RUSSIA. Death of Alexander—Constantine proclaimed—Abdicates in favor of Nicholas—Relations with Turkey—Persian War,	249
GREECE. Dissensions—Government—Insurrection in the Morea—Patras—Preparations of the Egyptians and Turks—Messolonghi invested—Siege of Navarino Engagements Splactina taken and Navarino Ibrahim advances to Tripolizza—Ulysses—Events at Messolonghi—French faction at Napoli—Egyptian fleet burnt at Mondon—The Greek fleet—Hydra threatened—Attempt at Suda—Massacre at Hydra—Attempt at Alexandria.	263
ASIA. Burman Empire—Origin of war with Britain—Shapurce—Doodpatlee—Ramoo—Expedition to Rangoon—Operations there—Martaban taken—Bundoola beaten—State of things in 1825—Donabew, Prome, and Arracan taken—Assau Cochar—Mortality in the English Army—Armstice of Meeaday—Hostilities renewed—Melloon—Pagan—Mew taken—Treaty of Peace—Bhurtpore—Netherlands—India,	281
AFRICA. Arabs in Africa—Slave Trade—Ashantee Wars—Morocco—Barbary Powers—Egypt—Rise of Mohammed Ali—Conquers Arabia—Sennaar, &c. Policy and Government of Mohammed Ali,	293
Local History and Domestic Occurrences,	305
Executive Officers of the United States,	362
Diplomatic Corps,	362
Army Promotions,	364
Navy Promotions,	367
List of the Members of the 19th Congress,	369
Governors of the States and Territories,	372
Report on the Sinking Fund,	372
District Tonnage of the United States,	373
Summary Statement of the Exports, of the Growth, Produce and Manufacture of the United States, during the year ending September 30th, 1825,	376
Statistical view of the Commerce of the United States,	377
Statement of the Commerce of each State and Territory,	378
Thermometrical Table, from April, 1825, to July, 1826,	380

## PUBLIC DOCUMENTS.

Treaty between the United States and Colombia,	[1
Message of the President of the United States to the 19th Congress,	[9
Instructions to the American Minister to Great Britain, on the subject of the boundary of the United States on the Pacific,	[26
Letter from Mr. Rush on the same subject,	[31
Treaty between the United States and Central America,	[40
Message of the President concerning the Panama Mission,	[49
Report of Mr. Clay on the same subject,	[60
Instructions from Mr. Adams to Mr. Anderson,	[61
Instructions from Mr. Clay to Mr. Middleton,	[83
Letter from Mr. Middleton to Mr. Clay,	[89
Letter from Count Nesselrode to Mr. Middleton,	[89
Letter from Mr. Clay to Mr. Middleton,	[91
Letter from Mr. Salazar to Mr. Clay,	[92



## CONTENTS.

Letter from Mr. Obregon to Mr. Clay,	[94
Letter from Mr. Canaz to Mr. Clay,	[96
Circular of Bolivar, relative to Panama Congress,	[97
Answer of Santander,	[99
Answer of President of Mexico,	[101
Letter from Secretary of State of Peru,	[102
Resolutions of Congress of the United Provinces of Rio de la Plata,	[102
Address of President of Mexico to the 1st Constitutional Congress,	[103
Reply of President of Congress,	[105
Proclamation of President of Mexico, on the capture of Ullua,	[107
Address of President to Congress, at the extraordinary session,	[108
Report of Secretary of State, to the Congress of Mexico,	[110
Address of President of Mexico to Congress, at the session of 1826,	[114
Extracts from the Message of the President of Mexico to Congress,	[123
Message of Vice-President of Colombia to Congress,	[125
Reply of Secretary of State of Colombia, to the Commission from Hayti,	[128
Message from Bolivar to Congress of Peru,	[130
Declaration of Independence of Upper Peru,	[132
Capitulation of Ayacucho,	[133
Message of Governor of Buenos Ayres to 5th Congress,	[135
Act of toleration by the Congress of Buenos Ayres,	[138
Address of the government of Banda Oriental to the Congress of Buenos Ayres,	[138
Letter from M. Garcia to the Secretary of State of Brazil,	[139
Declaration of war by the Emperor of Brazil, against the United Provinces of Rio de la Plata,	[141
Proclamation of Emperor of Brazil to his troops,	[141
Treaty between Portugal and Brazil,	[142
Speech of the Emperor of Brazil to the Senate,	[144
Acceptance by government of Brazil, of invitation to Congress at Panama,	[145
Exposition by majority of Chilian Congress, of causes of its dissolution,	[146
Decree of Assembly of Central America, abolishing slavery,	[147
Proclamation of Boyer of Treaty with France,	[148
Notice from government of Hayti to Emigrants from United States,	[149
Speech of King of Great Britain to Parliament,	[150
Speech on Prorogation of Parliament,	[152
Treaty between Great Britain and Buenos Ayres,	[153
Treaty between Great Britian and Colombia,	[156
Letter from Mr. Canning to Spanish Ambassador, relative to Spanish Republics,	[161
Speech of King of France to Chambers,	[162
Documents relating to succession of Alexander,	[163
Speech of Alexander to Polish Diet,	[168
Speech of King of Sweden before Agricultural Academy,	[170

## LAW CASES.

Corfield vs. Carral,	[173
United States vs. De Ortega,	[183
Martin vs. the Bank of the United States,	[190
Lippincott & Co. vs. the United States,	[193
Dickson, case of Divorce,	[206

## OBITUARY.

Charles C. Pinckney,	[207
Alexander of Russia,	[211
General Foy,	[218
M. David,	[220
General Suchet,	[222
Count Rostopchin,	[223
John 4th of Portugal,	[224
John Adams,	[225
Thomas Jefferson,	[240

## ERRATA.

- Page 6, line 25, for 'toleration,' read 'thralldom.'
- " 49, " 24, for 'were,' read 'was.'
- " 87, " 27, before 'compelled,' insert 'himself.'
- " 109, " 15, before 'used,' insert 'not.'
- " 153, " 11, before the word 'world,' insert 'new.'
- " 168, " 5, for 'St.' read 'S.'
- " 187, running title, for 'Bolivia,' read 'Peru.'
- " 188, do do for 'Bolivia,' read 'Colombia,' to end of chapter.
- " 195, line 7, for 'decisions,' read 'divisions.'
- " 195, " 14, for 'one,' read 'we.'
- " 210, " 10, dele 'that.'
- " 215, " 8, from bottom, for 'effecting,' read 'affecting.'
- " 254, last line, before 'to,' insert 'each.'
- " 263, for chapter 'XI,' read 'XIV.'
- " 357, line 19, for 'Morris,' read 'Morrow.'

▲

**HISTORICAL SKETCH**

OF THE

**Formation of the Confederacy,**

PARTICULARLY WITH REFERENCE

TO THE

**PROVINCIAL LIMITS AND THE JURISDICTION**

OF THE

**GENERAL GOVERNMENT**

OVER

**INDIAN TRIBES AND THE PUBLIC TERRITORY.**

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**BY JOSEPH BLUNT.**

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**NEW-YORK:**  
**PUBLISHED BY GEO. & CHAS. CARVILL.**  
—  
**C. S. VAN WINKLE, PRINTER.**  
—  
**1825.**

***Southern District of New-York, ss.***

**BE IT REMEMBERED**, That on the eight day of December, A. D. 1825, in the fiftieth year of the Independence of the United States of America, GEO. & CHAS. CARVILL, of the said district, have deposited in this office the title of a book, the right whereof they claim as proprietors, in the words following, to wit :

**" A Historical Sketch of the formation of the confederacy, particularly with reference to the provincial limits and the jurisdiction of the General Government, over Indian Tribes and the public territory. By Joseph Blunt."**

**IN CONFORMITY** to the act of Congress of the United States, entitled, " An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the time therein mentioned;" and also to an act, entitled, " An act supplementary to an act, entitled, an act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned, and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints."

**JAMES DILL,**  
**Clerk of the Southern District of New-York.**

**TO THE**

**HON. STEPHEN VAN RENSSELAER.**

---

**DEAR SIR,**

**THE examination of the subject of the following remarks was suggested by the discussions, which grew out of the controversy between the state of Georgia and the general government. The extraordinary positions assumed by the executive of that state, and his vehement invectives at the violation of its sovereignty, were well calculated to attract public attention, and to induce inquiry into the justice of his complaints.**

**In governments of limited powers, as this confessedly is, a grave charge by the chief magistrate of a state, of an infringement of the federal constitution, is well worthy of serious consideration. It necessarily implies the existence of one of the prominent dangers, to which this republic is exposed: A design to usurp power on the part of the national government; or a factious disposition in the state authorities: consolidation and despotism on one side; disunion and anarchy on the other.**

**In this imperfect volume, I venture to present to the public the result of my examination into the chief topics connected with that controversy. If it be correct, it not only vindicates the federal government from all charge of undue ambition, but shows that in**

its desire to conciliate the good will of the state authorities, it has conceded more than they could have reasonably demanded.

A curious coincidence too, will be found in the circumstances of those states, whose political leaders have been loudest in their complaints at the supposed infringement of their privileges, which may contribute to enlighten the public mind as to the motive of their discontent. The vehemence of their zeal in behalf of state rights, seems to have depended upon the magnitude of their territorial claims; and to have borne an exact proportion to the reluctance felt to yielding those claims to the just demands of the confederacy. Whether this zeal for those peculiar doctrines, is not merely a wish for individual, or local aggrandizement, at the expence of the general welfare; how far unfounded complaints may tend to bring the real rights of the states into disrepute; what effect these domestic wranglings may have upon the national character, and in detracting from the moral force of our institutions: are questions well worthy the consideration of all men intrusted with the direction of public affairs.

The opinions here expressed may not be in exact unison with your own; but as one of the representatives of a state which was foremost in removing the obstacles to the American union, and not behind any in a confiding and ardent attachment to the general government; I beg leave to inscribe this volume to you, as a testimony of my sincere respect for your private worth, and the disinterested spirit by which you have been actuated in your public career.

I am, sir, with great respect,

Your obedient servant,

J. BLUNT.

## CHAPTER I.

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*Foundation of the European claims to America.—Papal Grants.—Actual Possession.—First Discovery.*

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THE manner in which the European powers occupied the American continent, and the principles upon which this occupation was justified, and lines of division marked out between their transatlantic possessions, offer a most interesting subject for the investigation of the historian. Among the various titles to this continent derived from papal grants; first discovery; prior occupation; or actual possession; it is not easy to fix upon all the eras, when each of these different claims was first set up, nor when it was generally admitted to be valid. In most instances the opposing parties have proceeded upon different principles; until they have been brought into hostile contact, when their conflicting pretensions to American territory have been decided by an appeal to the sword.

The oldest title of the European nations is not involved in so much doubt. It was founded upon papal grants. This continent was discovered at a time when none dared to call in question the right of the vicerent of Christ, to dispose of the countries inhabited by the heathen, according to his sovereign pleasure. The bigotted feeling, which had justified the invasion of Palestine, and the destruction



of the followers of Mahomet; though rendered less active and adventurous by the severe checks received by the catholic princes in their romantic expeditions, was still the dominant spirit of the age; and Europeans implicitly believed, that the divine origin of their religion gave to its professors the same right to all countries possessed by unbelievers, that the Israelites had to the promised Canaan, and that the Pope was authorized to distribute, in the fulness of his apostolic power, those countries, with their pagan inhabitants, among the faithful servants of the catholic church.

A striking illustration of the state of feeling prevalent in christendom, prior to the discovery of America, is to be found in the conduct of Prince Henry of Portugal, at the time he was pursuing those voyages of discovery towards the cape of Good Hope, which he had set on foot and patronized. To prevent any of the other powers from participating in the advantages which he expected to secure to Portugal, he procured at different times from Eugene IV., then on the papal throne, bulls granting to that crown all the countries which should be discovered by the Portuguese from Cape Non to the continent of India, together with the inhabitants, whom he authorized them to enslave.\*

This donation was then considered so valid, that Edward IV. of England caused John Tintam and William Fabian, subjects of his, who contemplated an expedition to Guinea, to relinquish it; because the country fell within the bounds of the grant to Portugal;† and all Christian princes, influenced by their zeal for religion, were deterred from intruding into those countries which the Portuguese had dis-

\* Robertson's America, Book I. § 33.

† Hakluyt, Pt. 2. p. 2.

covered. Their voyages, however, were confined to the coast of the eastern continent; and about the time that they were turning the cape of Good Hope, Columbus discovered the Antilles, by steering a western course from Europe. The existence of islands and a continent beyond the Atlantic had not before that time been suspected; and when Spain applied to the pope for a bull confirming its title to these discoveries, Alexander VI. granted one, giving to Spain all the countries west of a north and south line one hundred leagues west of the Azores; thus leaving to Portugal an undisturbed title to all the discoveries on the eastern continent south of Cape Non; which was, as Alexander VI. construed it, all that Eugene had intended to grant.

Portugal, however, did not acquiesce in this construction; but claimed the islands discovered by Columbus in his first voyage, immediately upon his return to Spain, as within the limits of the grant by Eugene IV.; and it appears, from a memoir addressed by Robert Thorne to the English ambassador at the court of Spain, in 1527, that the Spanish crown offered to relinquish these discoveries to Portugal, as within that grant; provided the latter would restore to Spain the goods of the Spanish Jews, that had taken refuge in Portugal, according to the treaty between the two powers, by which they had mutually agreed to restore fugitive subjects with their goods.\*

This agreement Portugal found it difficult to comply with; or, perhaps, the new discoveries were not then considered as worth the sum she would have been obliged to raise; and she accordingly entered into a treaty with Spain, concluded June 6, 1484, by which the line of demarcation between their possessions was fixed at 370 leagues west

\* Hakluyt, Vol. I. p. 217.

of Cape de Verd, instead of the one prescribed in the bull of Alexander VI.\*

At that early period, the title to newly discovered countries appears to have been derived from the apostolic power of the pope. Every Christian prince, indeed, considered himself entitled to those countries, independent of any papal grant, from the religious obligation by which they all felt bound to convert the heathen; or to drive them from the possessions they so unworthily held: and the discovery of the countries inhabited by infidels gave them the privilege of first exerting their arms for the propagation of Christianity, and also a strong claim upon the considerate bounty of the father of the church; but still, to him they looked for a confirmation of their claims, and for a distribution of the territories discovered.

This is the foundation of the European title to the American continent. The right derived from the labour and expense of discovery is a subsequent improvement, which we owe to the doctrines of the reformation and the diminution of the papal power. Had not those great changes in the religious belief of Christendom taken place, the whole of the American continent, except Brazil, which fell to Portugal under the treaty of 1494, would probably to this day have been claimed and held by the Spanish crown. The expressions in the commissions given by Ferdinand and Isabella to Columbus, by Henry VII. to Cabot, and the voyages of discovery ordered by Francis I. do not refute the proposition, that this right originated in a papal grant. The first commission authorized Columbus "to discover and conquer islands in the ocean."† It was, in fact, a permission to make war upon infidels in unknown parts, plainly beyond the limits intended to be assigned to the Portu-

\* Munro's New World.

† Hazard's State Papers, p. 1.

guese; and the subsequent negotiation and treaty with Portugal fully proves, that Spain did not then conceive herself so much claiming by discovery, as by grant from the pope and the consent of Portugal.

The words in the commission to Cabot, authorizing him to discover countries "which were, before that time, unknown to all Christian people,"\* are thought by Judge Marshall† to imply an admission of the right of any Christian people, who had made a prior discovery: thus affording evidence of the early authority of that sort of title.

With every disposition to submit to an authority so universally and so justly respected as his, still, I cannot but incline to the opinion, that these words, though of general import, referred solely to Spain and Portugal, and that it was the expectation of Henry, that Cabot might make some discoveries which would be construed to be without their grants; although their literal meaning would comprehend them. The construction of Alexander, by which the discoveries of Columbus were taken out of the grant of Eugene, justified that conjecture; and his ceasing to take any steps, subsequent to the discoveries of Cabot, to derive any benefit from them, proves that Henry did not mean to infringe the papal grant by that expedition. After Cabot's return, it was evident that his discoveries lay within the boundaries there prescribed; and Henry appears, from that time, to have relinquished all serious thoughts of acquiring the sovereignty of unknown countries.‡

Francis I. of France, a liberal and enlightened prince, but little affected by the superstitions of his age, and, during his long and eventful reign, almost always in a state of hostility with Spain, so far questioned the validity of the

\* Hazard's State Papers, p. 9.

† 8th Wheaton, 577.

‡ Robertson's America, Lib. 9. § 5.

papal grant, as to send out several mariners at different times upon voyages of discovery. Whatever inference might be justly drawn from these voyages, if set on foot by another catholic monarch; when the peculiar circumstances in which Francis was placed, are taken into consideration, they will appear to be but of small or no authority in favour of the right of prior discovery, unsanctioned by the head of the church.

The first expedition, commanded by Verrazano, was in 1524, in the midst of that bloody war with Spain, which was closed by the entire defeat and captivity of Francis. After this, Jacques Quartier made several voyages to Canada in the years 1534 and 1535, &c. In 1540, De Roche was sent out with Quartier by the same monarch, as his lieutenant, and in 1542, De Roche built a fort, and wintered in Canada.\* At this period France and Spain were again at war; and in that state the most scrupulous catholic could not be condemned, if he did not consider the transatlantic possessions of his enemy as more sacred than those in Europe. The same right of war which would have justified the invasion and conquest of Spain, would have authorized the invasion and occupation of her American dominions.

It does not appear that any permanent establishments were then made; and the title of Spain seemed to be generally acquiesced in by the European powers, except Henry VIII. who, having denied the supremacy of Rome, also questioned the validity of the gift to Spain and Portugal.

This, however, was a novel doctrine, savoring of protestantism; and more than a century elapsed after the discovery of America, before it obtained general currency.

England, indeed, adhered to that principle during the

\* Harris' Collection, 811.

reigns of Henry VIII. and Edward VI. ; but their successor, Mary, restored the catholic faith, and with it submission to the Spanish title to America. In her reign we hear of no claim of England to any part of this continent, nor of any voyages nor expeditions to America ; although the commercial enterprise of the British nation was seeking new avenues to wealth in Russia, Turkey, and Nova Zembla.

In France, too, the same unwillingness to violate the papal grant was manifested by the catholic party ; and the protestants there, as in England, led the way to its infringement. The first French colony sent to America, was under the patronage and direction of Admiral Coligny, the celebrated leader of the Hugonots ; and the utter indifference manifested by the Court, at the massacre of those colonists by the governor of Florida for an intrusion upon the possessions of his master, (when no war existed between the kingdoms,) and the coldness with which the gallant avenger of his countymen (De Guerges, also a protestant) was received by the minister, proves that the catholics still regarded the claim of Spain under the bull of Alexander as valid ; and that its violation by their heretic countrymen was justly punished.

This colony was planted about the year 1563.\*

Shortly after the destruction of this colony in 1567, Elizabeth being securely seated on the English throne, and the protestant party having established its ascendancy upon a sure foundation, a more systematic policy seems to have been adopted by that princess, for the purpose of securing a footing on this continent. Very little stress, however, appears to have been laid upon the prior discovery of Cabot. The letters patent granted to Humphrey

\* Ogilby's America, 167.

Gilbert in 1578,\* and to Walter Raleigh in 1584-5,† do not refer to any such discovery. They merely authorize them to “discover and search such remote heathen and barbarous lands, not actually possessed of any Christian prince, as to them shall seem good,” and to hold the soil of the country to the grantees. They were also empowered to fortify the places they chose to occupy, and to repel all persons attempting to inhabit within 200 leagues thereof; unless those places should be pre-occupied by the subjects of any Christian prince *in amity with Elizabeth*. These patents were, in truth, nothing more than authorities to annoy the Spaniards, then preparing to invade England, and to dethrone the head of the protestant party in Europe. These expeditions were hostile measures against Spain; and to Gilbert and Raleigh patents were given to encourage them in their designs. Many other subjects of that queen were engaged in voyages of discovery and adventure, as they were then called; and the only distinction made by them, as to the American discoveries in possession of Spain, and those that were not, was, to plunder the former, and to trade with the natives in the latter. The title of Spain was acknowledged to no part of America; but the whole continent was regarded as a good field for adventurous mariners, whether traders or buccaneers.

This dispute between England and Spain raged with more or less violence for many years, and may not be considered as settled until the year 1670. Previous to that time, difficulties were constantly occurring between the subjects of the two crowns in this quarter of the globe. During the reign of Elizabeth, and also under her successor, a continual war existed in America; without any reference to the European relations of their respective

\* 1st Hazard's State Papers, 24.

† Ib. 33.



kingdoms. A remarkable illustration of this is to be found in the efforts made by the Spanish ambassador to England (Gondamor) to procure the execution of Raleigh for an invasion of his master's possessions in the new continent: James yielded to his request, so far as to order that gallant and unfortunate soldier to be brought to the block; but, not choosing to acknowledge the Spanish title to the country in which he had landed, (Guiana,) he issued a warrant for his execution upon a sentence of death, which had been passed sixteen years before against him on another account, and which had laid dormant all that period.\*

This singular state of things continued, with the general understanding among the English, that "there was no peace beyond the line," and the Spaniards, on their part, treating all visitors to their settlements as hostile invaders; until by a treaty, concluded in 1670, between England and Spain, it was agreed that "the king of Great Britain and his subjects should remain in possession of what they then possessed in America." This was the first recognition by Spain of a title to American territory in any European power but herself, and may be regarded as the era when the validity of the papal grant was formally relinquished. From this date the right of discovery, connected with occupation, may be considered to be established, and the triumph of the protestant principle over the catholic complete.

Previous, however, to the conclusion of this treaty, France, a catholic kingdom, had in some respects countenanced the protestant doctrine. In addition to what was done by Francis and Coligny, under Henry IV. (who was a protestant at heart,) colonies were sent out to the north-eastern parts of the United States and Canada; and a

\* 1st State Trials, 219.

commission given, dated 1603, to De Montz, constituting him Lieutenant-General in L'Acadie.\*

In this document, as well as in those patents given by James and his successor in England, no mention is made of the right of discovery ; but the settlement and occupation of the American continent are justified by reason of the unbelief of their inhabitants, and the desire of the grantors to extend the blessings of Christianity and civilization to barbarous, and, in some instances, almost uninhabited regions.

Henry IV. in his commission to De Montz, expresses his motive to make a settlement in L'Acadie, to be "a zealous resolution to cause the inhabitants, men without religion, to be converted to Christianity, and to draw them from the ignorance and unbelief wherein they are."

James asserts the motive of granting the first Virginia charter, 1606,† and of planting that colony, to be "the propagating of the Christian religion to such people, as yet live in darkness and miserable ignorance of the true knowledge and worship of God—and may in time bring the infidels and savages living in those parts to human civility and to a settled and quiet government."

A similar motive is declared in the second charter, 1609,‡ and, as the conversion of the aboriginals is declared to be the principal effect desired from the colony, all catholics are forbidden to go thither until they have taken the oath of supremacy. So too in the third charter to Virginia, 1611;§ the commission to Raleigh "to undertake a voyage into the south part of America," 1616;|| the charter to the Plymouth company, 1620;¶ the grant of Nova Scotia†† and of New-Albion;‡‡ the different proclamations con-

\* Hakluyt, Vol. 4. 1619.

1st Hazard, 45.

† 1st Hazard, 50

‡ Ib. 68.

§ Ib. 72.

|| Ib. 82.

¶ Ib. 103.

†† Ib. 134.

‡‡ Ib. 160.

cerning Virginia and New-England by James ; the charter to Massachusetts, 1628 ;\* to Lord Baltimore, 1632 ;† the Carolina charters, 1664 ;‡ that to Connecticut, 1664 ;§ to Rhode-Island, 1664 ;|| to William Penn, 1680 ;¶ the motive to undertaking the colonies, and the chief end of the adventures are declared to be, by means of commerce and intercourse with the natives to bring them to the knowledge of Christianity, and to bring them, by just and gentle manners, to the love of civil society.

Such are the principles upon which the Europeans justified the occupation of the American continent. The catholic and protestant monarchs differed only in this : that the former derived their title from the pope, who made the donation for the purpose of extending the kingdom of Christ ; and the latter occupied the territory under the same pretence, without a grant : but neither asserted that prior discovery gave any right to the soil. The right of occupation was derived by both ; either directly, or through the pope, from their obligation to ameliorate the condition and christianize the aboriginals, whose permission to make a settlement was generally asked and obtained. In the British provinces, although individual instances may be found in which Indian rights were violated ; their title to the soil was always respected by the public authorities. It was not, indeed, regarded as a fee simple, which cannot properly belong to wandering tribes in a hunter state. But that they had a right to territory within certain boundaries, and that they were treated with by the colonial governments, from the first settlement of the country, until those governments became independent of the crown, to induce them to transfer and sell their title to the whites, are incon-

\* 1st Hazard, 289.

† Ib. 327.

‡ 4th Vol. Remembrancer.

§ Ib. Vol. 8. p. 30.

|| Ib. 34.

¶ Ib. 104.

provertible facts. Upon the first landing of the colonists, they purchased, in person, of the Indian chiefs the title of the tribes to tracts required for their accommodation, and afterwards made agreement for the extension of their limits upon the increase of population. Such were the purchases made by the first settlers at Jamestown and Plymouth, by the Dutch at New-York and Albany, the Swedes in the Delaware, by Baltimore in Maryland, and by Penn at Philadelphia.

Afterwards, when civil governments were established, and conquests were made at the common expense in the Indian wars, that grew out of the different habits and institutions of the two parties, the legislatures or the royal governors took the subject under their control, and prohibited citizens from purchasing the aboriginal title without public authority. In short, they assumed the right of pre-emption of that title, as a right of the community, and it became vested in that body, or person, that possessed the constitutional right to act in its behalf. In this manner, the sea coast of the North American continent became studded with European settlements of various nations, which extended themselves into the interior, and along the shore, until they encroached upon the limits claimed by a colony of another power. This produced a conflict of interests, generally resulting in a decision by force, in which the mother countries often, although not invariably, sustained their colonies. In discussing the respective titles of the European powers, the right of prior discovery was, of course, strongly insisted upon, especially by those whose claims were not supported by the better title of actual occupation.

All Christian princes professed to be equally desirous of civilizing and converting the savages; and as none would allow the superior qualifications of their antagonists to

impart those benefits to the aboriginals, it became necessary to appeal to some other principle, by which their clashing claims might be settled. In this dilemma, it was natural to resort to the right of prior discovery, it having been the foundation of the papal grants, and of the right of Spain. This soon became generally acknowledged as between Europeans, especially when followed by occupation; and the limits of their several claims were marked out by treaties, made at different times, by the principal powers,

## CHAPTER II.

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*Various claims to the North-Eastern coast of America.—Provincial Charters.—French Claims.—North-West Territory.—Treaty of 1763.—Extent of British Provinces at the commencement of the American Revolution.*

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For more than two centuries after the discovery of America, the greatest uncertainty prevailed as to the limits of the territory claimed by the British colonies; and it was not until 1795, three centuries after that event, that the title of the United States to the whole territory comprehended within the boundaries marked out by the treaty of 1783, was acknowledged by Spain, one of the powers which originally disputed the British claim, and which was the last that recognized the title of the United States.

At the time of the first settlements by Europeans, no less than four powers laid claim to the sovereignty of this part of the continent; and a fifth (Sweden) actually commenced a colony upon the Delaware.

Henry IV. of France, by his commission to De Montz, dated 1603,\* authorized him "to extend and establish the authority" of that monarch from the 40th to the 46th degree of north latitude. James I. of England 1606, granted to the London and Plymouth Companies, the privilege of making two settlements on any part of the coast of America between the 34th and 45th-degrees of north latitude;† all which country he called "Virginia," a name given by Raleigh, in honour of his royal mistress, to the place which he undertook to colonize, about 20 years before.

\* Harris's Collection, 1st vol. 813. † Hazard, 2d vol. 60.

All the territory, from Connecticut river to the westward of Delaware bay, was claimed by the Dutch under the title of the New Netherlands ;\* the southern part by Spain, as part of Florida. This last power also set up the papal gift against all these powers, although her claims had then fallen into disrepute ; and finally, her adverse circumstances compelled her to relinquish a title which all but herself were interested in denying.

Such were the different claims to the North Eastern coast of America at the commencement of the seventeenth century ; and under these circumstances, some English adventurers, acting under the London company, undertook to make a settlement under the grant, above referred to, from James I.

By this grant they were empowered to establish a colony between the 34th and 41st degrees of north latitude ; “ in that part of America,” as the grant expresses it, “ called Virginia, and other parts and territories in America, either appertaining unto us, or which are not now actually possessed by any Christian prince or people ;” and when they had selected a spot, the coast on either side for 50 miles, and the land 100 miles into the interior, became appropriated to that colony. The other (Plymouth) company, named in the same charter, was authorized to do the same with similar privileges between the 38th and 45th degrees of north latitude. To prevent these companies from interfering with each other, the one which should last plant a colony, was forbidden to settle within 100 miles of the other ; and as the planters had it in view to trade with the Indians, it was provided that no Englishmen should be permitted to establish themselves in the interior behind either of these colonies, without the consent of the Directors of

\* Smith's History of New York, 21. Ogilbey's America, 166.



the several Companies residing in England, and appointed by the king. The colony first planted under this grant was at Jamestown, by the London company, which secured by that step a tract one hundred miles square. Finding this too small for their purposes, they applied three years afterwards for "a further enlargement and explanation of their said grant;" and in 1600 an additional grant was made to the London company in the following words:

"All those Lands, Countries, and Territories, situate, lying, and being in that part of *America*, called *Virginia*, from the Point of Land, called *Cape* or *Point Comfort*, all along the Sea Coast to the Northward, two hundred miles, and from the said Point of *Cape Comfort*, all along the Sea Coast to the Southward, two hundred miles, and all that Space and Circuit of Land, lying from the Sea Coast of the Precinct aforesaid, up into the Land throughout from Sea to Sea, West and Northwest."

The terms of this grant are very vague and indefinite. The first inquiry naturally suggested upon its perusal is: does the north and south line follow the windings and indentations of the coast, or is it to be a direct north and south line, and then to comprehend all the sea coast between the parallels of latitudes at the extreme north and south points?

But the most essential question as to its meaning is, what is intended by the phrase, "into the land from sea to sea, west and north west?" From which end of the north and south line, should the western line commence to run? and from which end, that which runs to the north-west? If the west line should run from the north end of the line, and the north-west line from the south end, as the order in which the boundaries are mentioned would lead one to conclude, they will meet before they reach the Pacific, and comprehend a tract of land of a triangular form, about as large as Pennsylvania.

But if the other construction be adopted, the west line,

commencing at the south point, will run on to the Pacific ; whilst the north-west line will run up into the northern parts of America, until it strikes the Frozen Ocean ; thus making the southern boundary of Virginia three thousand miles, the western boundary four thousand, and the north-eastern boundary five thousand miles in length. A construction rather too extravagant to be contended for, by a company which had only solicited an enlargement of a tract one hundred miles square.

It must also be borne in mind, that this grant was made to certain adventurers residing in England, and certain local corporations, all incorporated under the name of "The company of Adventurers and Planters for the city of London for the first colony in Virginia."

Within twenty years after the date of that grant, viz. in 1624, the company itself was dissolved by a writ of quo warranto, in consequence of the mismanagement of the colony\*, and the grant formally resumed by the crown.

From that time, the land, or rather the right of pre-emption of the soil, within the limits of the grant, whatever they might have been, reverted to the crown, with the exception of such plantations as had been granted to the settlers ; and the inhabitants of that colony acquiesced in its title, until the commencement of the revolution. That this right became vested in the crown, and that the charter of 1609 was no longer considered as binding, appears from the different grants of land, within those limits, to Lord Baltimore in 1632, and to the Carolina proprietors in 1663-65. In these charters were comprehended large portions of the old grant to the London company ; another part of the same was given to Wm. Penn, in 1680. The two tracts granted to Baltimore and Penn, were bounded on

\* Chalmer's Col. Annals, 62.

all sides by certain specified limits ;(1) but the Carolina grants extended to the South Sea between the parrallels of

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(1) The grant to Baltimore was as follows : " All that part of a peninsula, lying in the parts of America, between the ocean on the east, and the bay of Chesapeak on the west, and divided from the other part thereof by a right line drawn from the promontory or cape of land called Watkin's Point (situate on the aforesaid bay near the river of Wighco) on the west, unto the main ocean on the east ; and between that bound on the south unto that part of Delaware bay on the north, which lieth under the fortieth degree of northerly latitude from the equanoctial where New-England ends ; and all that tract of land between the bounds aforesaid, that is to say, passing from the aforesaid into the aforesaid bay called Delaware bay, in a right line by the degree aforesaid unto the true meridians of the first fountain of the river Powtownmack, and from thence tending toward the south unto the further bank of the aforesaid river, and following the west and south side thereof unto a certain place called Cinquack, situate near the mouth of the said river, where it falls into the bay of Chesapeak, and from thence by a straight line unto the aforesaid promontory and place called Watkin's Point, so that all that tract of land divided by the line aforesaid, drawn between the main ocean and Watkin's Point unto the promontory called Cape Charles."

To William Penn was granted, " All that tract or part of land in America, with all the islands therein contained, as the same is bounded on the east by Delaware river, from twelve miles distance northwards of New-Castle Town, unto the three-and-fortieth degree of northern latitude if the said river doth extend so far northwards ; but if the said river shall not extend so far northwards, then by the said river so far as it doth extend ; and from the head of the said river the eastern bounds are to be determined by a meridian line to be drawn from the head of the said river unto the said three-and-fortieth degree ; the said lands to extend westward five degrees in longitude, to be com-

latitude 31 and 36. Two years after the date of the first Carolina charter, the southern and northern boundaries were augmented to the 29th degree on the south, and 36 degrees, 30 minutes, on the north.

To these different grants neither the colonists, nor the provincial legislature of Virginia made any objection as infringing their chartered bounds; nor did they, for the space of one hundred and fifty years protest against the existence of these provinces as violations of the ancient boundaries of the colony, although they diminished its size very materially, both on the north and south. It is true, that a petition was sent in upon the grant to Baltimore, to represent, that the granting away of some of their chief places of traffic would dishearten the planters;\* some dif-

puted from the said eastern bounds; and the said lands to be bounded on the north by the beginning of the three-and-fortieth degree of northern latitude, and on the south by a circle drawn at twelve miles distance from New-Castle northward and westward, unto the beginning of the fortieth degree of northern latitude, and then by a strait line westward to the limits of longitude above mentioned."

The description of the territory granted to the Carolina proprietors in the 2d charter, is in the following terms, viz. "All that province, territory, or tract of ground, situate, lying and being within our dominions of America aforesaid, extending north and eastward as far as the north end of Charahake river, or gulet upon a straight westerly line to Wyonake creek, which lies within or about the degrees of thirty-six and thirty minutes northern latitude, and so west in a direct line as far as the south-seas; and south and westward as far as the degrees of twenty-nine inclusive northern latitude, and so west in a direct line as far as the south seas."

\* 1st Hazard, 337.

difficulties also occurred between the planters in Maryland, and some Virginians, as to Kent Island, which was denied to be within the limits of Baltimore's patent ; but the right of the crown to grant the same was not denied.

In 1620 a grant was made to the Plymouth company of all the territory between the parallels of 40 and 48 degrees from the Atlantic to the Pacific.\* By a reference to the map it will appear, that this grant comprehended three-fourths of the old north-west territory, and by a necessary consequence interfered with the grant of 1609. The extent of this interference was but small, provided such a construction was adopted, as to make the northern boundary of Virginia run in a westerly direction, instead of to the north-west. If another construction had been taken, the western extension of the Plymouth grant to the Pacific would have been a mere nullity, inasmuch as the north-eastern boundary of the London company would have cut it off before it had passed Lake Erie. In the Plymouth grant there is an exception made of the lands meant to be granted, provided any part should be actually possessed or inhabited by any other Christian nation, or within the bounds of the Southern or Virginia colony. This provision prevents any diminution of the grant of 1609 by the Plymouth charter ; but the grants to Massachusetts and Connecticut, under this Plymouth company, and the subsequent proceedings thereon by the crown, shows that, in the opinion of the original grantor, the Plymouth charter did extend to the Pacific, and that it did not interfere, in the portions granted to those provinces, with the limits of Virginia.

In short, the crown acted upon the opinion, that the boundaries of Virginia had not the indefinite extension

\* 1st Hazard, 337.

which was insisted upon by that province when it became an independent state. This conclusion becomes irresistible, upon an examination of the different patents. In 1628, the council of Plymouth granted a portion of the territory comprehended within the grant to that company, to certain of the first settlers in Massachusetts, described as follows, viz.\*

“All that parte of Newe England, in America aforesaid, which lyes and extendes betweene a greate River there, comonlie called Monemack, alias Merriemak, and a certen other River there, called Charles River, being in the Bottome of a certayne Bay there, comonlie called Massachusetts, alias Mattachusetts, alias Massatusetts Bay, and also all and singular those Lands and Hereditaments whatsoever lyeing within the space of three English Myles on the South Parte of the said Charles River, or of any, or everie Parte thereof; and also, all and singular the Landes and Hereditaments whatsoever, lyeing and being within the Space of three English Myles to the Southwarde of the Southermost Parte of the saide Bay called Massachusetts, alias Mattachusetts, alias Massatusetts Bay; and also, all those Lands and Hereditaments whatsoever which lye, and be within the Space of three English Myles to the Northward of the said River called Monomack, alias Merrymack, or to the Northward of any and every Parte thereof, and all Lands and Hereditaments whatsoever, lyeing within the Lymitts aforesaid, North and South in Latitude and bredth, and in Length and Longitude, of and within all the Bredth aforesaide, throughout all the Mayne Landes there; from the Atlantic and Western Sea and Ocean on the East Parte, to the South Sea on the Weste Parte;

The next year, the king confirmed that grant by a charter, in which the settlers were vested with the powers of a civil and political government.

In 1631, Lord Say, and others, procured, as trustees for the settlers in Connecticut, a sub-grant from the Plymouth council of another part of the same territory, of the following description, viz.†

“All that Parte of New-England, in America, which lies and extends itself from a River there called Naraganset River, the

\* 1st Hazard, 241.

† Ib. 318.

Space of forty Leagues upon a straight Line *near* the Sea Shore, towards the *South West, West-and-by-South* or *West*, as the Coast lieth towards Virginia, accounting three English Miles to the League, and also all and singular the Lands and Hereditaments whatsoever, lying and being within the *Lands* aforesaid. North and South in Latitude and Breadth, and in Length and Longitude, *of*, and *within*, all the Breadth aforesaid, throughout the main Lands there, from the Western Ocean to the South Sea."

In 1635, the patentees of the Plymouth charter surrendered the same to the crown :\* and all the territory comprehended within its limits, excepting such portions as had been conveyed to sub-grantees, became again vested in the king, in the same manner as before the date of the grant. In 1664, Charles II. granted to certain of the Connecticut settlers, and their successors, a charter of government, and confirmed and granted unto that colony,

" All that part of our dominions in New-England, in America, bounded on the East by the Narrogancett River, commonly called Narrogancett Bay where the said river falleth into the Sea, and on the North by the line of the Massachusetts plantation, and on the South by the Sea, and in Longitude, as the line of the Massachusetts colony running from East to West, (that is to say) from the said Narrogancett Bay, on the East, to the South Sea on the West part."†

This charter was given subsequently to the surrender of the Virginia and Plymouth charters; and the crown, in which was then vested the right to explain, extend, or diminish the boundaries of all colonies which were under the royal government, declared the western boundary of Massachusetts to be the Pacific, and assigned that to Connecticut also, as its western boundary, granting to that colony all the territory to the eastward thereof, within certain north and south boundaries. About twenty years after the granting of the Connecticut charter, the first Massachusetts charter

\* Chalmers, 95.

† 2d Vol. Remembrancer, Appendix, 32.



was vacated by the judgment of the king's bench; and upon the accession of William and Mary, a new charter was granted to Massachusetts, in which her boundaries were described as follows, viz.\*

“All that part of New England, in America, lying and extending from the great river commonly called Monomack, alias Merrimack, on the north part, and from three miles northward of the said river to the Atlantic or Western Sea, or Ocean, on the South part, and all the lands and hereditaments whatsoever, lying within the limits aforesaid, and extending as far as the outermost points or promontories of land, called Cape Cod and Cape Malabar, north and south in latitude, breadth, and in length, and longitude, of and within all the breadth and compass aforesaid, throughout the main land there, from the said Atlantic or Western Sea and Ocean on the east part, towards the South Sea, or westward, as far as our colonies of Rhode Island, Connecticut, and the Narragansett country. And also all that part and portion of main land, beginning at the entrance of Piscataway Harbour, and so to pass up the same into the river of Newichwannock, and through the same into the furthestmost head thereof, and from thence north-westward, till one hundred and twenty miles be finished, and from Piscataway Harbour's mouth aforesaid, north-eastward along the sea coast, to Sagadahock, and from the period of one hundred and twenty miles aforesaid, to cross our land to the one hundred and twenty miles before reckoned up, into the land from Piscataway harbour through Newichwannock river; and also the north half of the isles of Shoals, together with the isles of Capawock and Nantuckett, near Cape Cod aforesaid; and also the lands and hereditaments lying and being in the country or territory commonly called Accada or Nova Scotia, and the said river of Sagadock, or any part thereof.”

In this second charter to Massachusetts, was included the territory belonging to the Plymouth colony, which before that time had existed as a separate province. The southern boundary consequently does not commence, as before, to the south of Charles river, but runs along the boundary of Rhode Island and Connecticut. The tract conveyed to

\* 2d Remembrancer, Appendix, 10.

Rhode Island, in the year 1664, is described in the note,(1) and the extent of Connecticut appears by her charter of the same date.

These two last charters, granted to Massachusetts and Connecticut, so long after the resumption of the Virginia and Plymouth patents, gave, so far as the king of Great Britain could give, the territory between the north boundary

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(1)“ All that part of our dominions, in New-England, in America, containing the Nahantick and Nanhygansett, alias Narragansett Bay and countries and parts adjacent, bound on the west or westerly to the middle or channel of a river there commonly called and known by the name of Pawcatuck, alias Pawcawtuck river, and so along the said river, as the greater or middle stream thereof reaches or lies up into the north country, northward unto the head thereof, and from thence by a straight line drawn due north, until it meet with the south line of the Massachusetts colony, and on the north or northerly by the aforesaid south or southerly line of the Massachusetts colony or plantation, and extending towards the east or eastwardly three English miles to the east and north-east of the most eastern and north-eastern parts of the aforesaid Narragansett Bay, as the said bay lieth or extendeth itself from the ocean on the south or southwardly, unto the mouth of the river which runneth towards the town of Providence, and from thence along the eastwardly side or bank of the said river (higher called by the name of Sea-cunck river) up to the falls called Patucket falls, being the most westwardly line of Plymouth colony : and so from the said falls, in a straight line due north, until it meet with the aforesaid line of the Massachusetts colony, and bounded on the south by the ocean, and in particular the lands belonging to the town of Providence, Patuxit, Warwicke, Misquammacock alias Pawcatuck, and the rest upon the main land, in the tract aforesaid, together with Rhode-Island, Blocke-Island, and all the rest of the islands and banks in the Narragansett Bay, and bordering upon the coast of the tract aforesaid.”

of Massachusetts and the south boundary of Connecticut, from the Atlantic to the Pacific, to the inhabitants of those colonies. They contained no provision in favour of the right of the Virginia colony; and as the boundaries of that province then depended upon the royal will, no legal exception could be taken to the validity of the grants to the New England provinces, even supposing that that construction should have been given to the charter of 1609, which would occasion a clashing of the claims of the different grantees. If, however, the less violent construction should be given to the Virginia patent, no interference on the part of Massachusetts and Connecticut will take place; but all the grants will have their legitimate and literal effect, without supposing any inconsistency on the part of the grantor.

These were the only charters given by the crown, prior to the surrender of the Carolina charter in 1728; and the proper conclusion to be drawn therefrom would be, that so far as the British crown had power to grant, the proprietors of Maryland, Pennsylvania, Carolina, and the colonists of Massachusetts and Connecticut, as bodies politic, possessed the territory within the boundaries prescribed in their respective charters; whilst the boundaries of Virginia were left undefined by the charter of 1609, and also by the proclamation of Charles I. establishing a government upon the dissolution of that charter,\* and depended upon the pleasure of the crown.

The territory now included within the boundaries of New-York, New-Jersey and Delaware, was differently situated. Colonies of the Swedes and of the Dutch had been established in those parts; and although the Swedes had submitted to the government of the Dutch, and thus simplified the question as to the European title, still the English title was disputed by the Dutch, who claimed it as the first

\* 1st Hazard.

actual occupants. Such is the ground upon which their title is placed by governor Stuyvesant, in his answer\* to Richard Nicholls, who demanded a surrender of the colony, as within the territory belonging to Great Britain. It is worthy of observation, that even at this late period, although the voyage by Hudson, in the Dutch service, had previously been alluded to, as an argument in favour of the Holland claim, the Dutch governor did not refer to prior discovery as a ground of title ; nor did the states Netherland, in their original grant to the West India company, allude to Hudson's voyage.† Colonel Nicolls, on his part, did not trouble himself with arguments in favour of his master's claim ; but calling it unquestionable, demanded an immediate surrender to the British arms.

This expedition was fitted out to reduce the colony of the New Netherlands, by Charles II. who shortly after his restoration, in 1664, had granted to his brother afterwards, James II. the territory claimed by the Dutch.

The boundaries of New-York were described in the following manner, viz.‡

“ All that part of the main land of New England, beginning at a certain place called or known by the name of St. Croix, next adjoining to New Scotland, in America, and from thence extending along the sea coast unto a certain place called Pemaquie, or Pemaquid, and so up the river thereof, to the furthest head of the same, as it tendeth northward ; and extending from thence to the river of Kimbequin, and so upwards by the shortest course to the river Canada northward ; and also all that island or islands commonly called by the several name or names of Meitowacks, or Long-Island, situate and being towards the west of Cape Cod and the narrow Higansetts, abutting upon the main land, between the two rivers there, called or known by the several names of Connecticut and Hudson's river, together also with the said river called Hudson's river, and all the land from the west side of Connecticut river, to the east side of Delaware bay, and also all those several islands, called or known by the names of Martin's Vineyard, or Nantuck's, otherwise Nantucket.”

\* Smith's History of New-York, 37. † Hazard, 1st vol. 121.

‡ Smith's New-York, 31.

Part of this tract was conveyed the same year, by the Duke of York, to Lord Berkley and Sir George Carteret, under the description of New-Jersey.

The boundaries of New-Jersey were as follows :

“ All that tract of land adjacent to New England, and lying and being to the westward of Long Island, and bounded on the east part of the main sea, and partly by Hudson’s river ; and hath upon the west, Delaware bay or river, and extendeth southward to the main ocean as far as Cape May, at the mouth of Delaware bay ; and to the northward, as far as the northermost branch of the said bay or river of Delaware, which is forty-one degrees and forty minutes of latitude ; which said tract of land is hereafter to be called by the name or names of Nova Cæsarea or New-Jersey.”

The Dutch governor of New-York being unable to offer effectual resistance, surrendered to the commanders of the English forces ; and the settlements on the west bank of the Delaware, dependent on New Amsterdam, followed his example. These last settlements were strictly without the grant to the Duke of York ; but being captured from the Dutch, were annexed to the government of New-York, as they had been before the conquest ; and so continued until they were conveyed by the description of the lower counties on the Delaware, to William Penn. Penn at first annexed these counties to his province ; but difficulties afterwards arising between their representatives and those from Pennsylvania, he assented to their request for a separation ; and they afterwards constituted a separate province.

Part of the territory included within the boundaries of New-York, was also claimed by the colonies of Massachusetts and Connecticut. Their claims were rested on the ground of the prior occupation of the Dutch, and the special exception in their grants of all such parts of the said territory as should be previously occupied by any Christian people. As to such parts of New-York as had been then taken possession of by the Dutch, no doubt could be enter-

tained, that they were not comprehended within the grants to Connecticut and Massachusetts; and as to the uninhabited parts, conflicting claims as to boundary lines arose, which were settled, by commissioners, with Massachusetts in the year 1787, and with Connecticut, first with the Dutch, in 1650, and finally in 1683.

In this manner all the sea coast of North America, from the southern boundary of Acadia to the northern boundary of Florida, was claimed and parcelled out into different provinces by the British crown. Acadia also had been conquered from France by Cromwell; but Charles, in 1668, receded it, without any specification of boundaries; and thus the northern boundary remained unsettled, until the treaty of Ryswick, when it was fixed at St. Croix.

The southern boundary was partially agreed upon by the treaty of 1670, in which it was assented to by Spain, that Great Britain should possess what her subjects already occupied in America. This was recognizing a principle by which the difficulties might be adjusted; but, although provision was made by the treaty of Seville, in 1729, for the appointment of commissioners, and, by the convention of Pardo, in 1739, of ministers for that purpose, no measures were taken to settle this very indefinite boundary between Carolina and Florida; until the treaty of 1763 put Florida into the possession of Great Britain, and thus obviated the necessity of any decision upon the question.

To the north, although the claims of France were settled in the manner above described, conflicting claims arose between the province of Massachusetts, and Mason and Gorges, sub-grantees of the old Plymouth company. To the former had been conveyed, in the year 1635, the following tract :—

“ All that part of the Mayn Land of New England aforesaid, beginning from the middle part of Naumkeck Run and from thence to proceed eastwards along the Sea Coast to Cape Anne,

and round about the same to Pischataway Harbour, and soe forwards up within the river of Newgewanacke, and to the furthest head of the said River, and from thence northwestwards till sixty miles bee finished, from the entrance of Pischataqua Harbor and also from Naumkecke through the River thereof up into the land west sixty miles, from which period to cross over land to the sixty miles end accompted from Pischataway through Newgewanacke River to the land northwest aforesaid; and alsoe all that the South Halfe of the Isles of Sholes, all which lands, with the Consent of the Counsell shall from henceforth be called New-hampshyre: And also ten thousand acres more of land in New-England aforesaid, on the south-east part of Sagadihoc.”\*

This tract afterwards formed the province of New-Hampshire.

The same year Ferdinand Gorges obtained a grant from the same company, (which was, in the year 1639, confirmed by the king,) of the following tract, viz :—

“ All that parte, purparte and portion of the maine land of New-England aforesaid, beginning at the entrance of Piscataway harbour, and soe to passe up the same into the River Newichawockee, and through the same into the farthest head thereof; and from thence northwestwards till one hundred and twentie milles be finished, and from Piscataway harbor mouth aforesaid north Eastwards along the sea coast to Sagedahadocke, and up the River thereof to Knybecky River; and through the same to the heade thereof, and unto the land Northwestwarde, until one hundred and twentie milles be ended, being accounted from the mouth of Sagedehadocke and from the period of one hundred and twentie milles aforesaid, to crosse over land to the hundred and twentie milles, and formerly reconed up into the land from Piscataway harbor through Newichawocke River: and also the North halfe of the isles of Shoals, together with the isles of Capawocke nere Cape Cod.”†

This is now a part of the state of Maine. The residue of that state was added, by the orders of William and Mary, after the French had relinquished their claims to the north of New-England, and was placed under the government of Massachusetts, upon the renewal of the charter of that state, in 1792.

\* 1st Hazard, 394.

† Ib. 442.



After the grant to Mason, and before any decisive steps had been taken to confirm his title, some of the settlers of Massachusetts had established themselves beyond the northern boundary of that state, and having purchased the Indian title, disclaimed the proprietorship of Mason. In this they were supported by the general court of Massachusetts, which did not relish the idea of a distinct community in their neighbourhood, acknowledging the supremacy of a proprietor of the cavalier, or high church party. During the civil war in England they succeeded in establishing, with the consent of the settlers, the government of Massachusetts over the New-Hampshire settlements. This continued for many years after the restoration, during which time the heirs of Mason and Gorges, sustained by the British court, were engaged in a dispute with the settlers, who were supported by the general court of Massachusetts. Mason and Gorges claimed under the paramount title of the crown ; and the settlers under Indian grants : and such was the opposition to the grantees of the king, that they were unable to establish their claim. The heirs of Gorges compromised with the government of Massachusetts about the year 1674, and transferred to that province his claim, and Mason assented to the steps taken on the part of the crown to subdue the opposition of Massachusetts. As a preliminary step, Mason gave up all powers of government as proprietor or feudal lord. Charles accordingly erected New-Hampshire into a royal province ; and though Massachusetts again resumed the reins of government upon the deposition of Andross, in 1689 ; still the advisers of William and Mary did not think proper to annex New-Hampshire to Massachusetts, and it was accordingly placed under a sort of provisional government, dependent on the pleasure of the crown ; in which state it remained until the American revolution.

Very little is to be found in the history of this dispute,

illustrating the questions which arose at the formation of our government, as to the right of pre-emption to vacant lands, and Indian titles, excepting the early denial by the general court of Massachusetts of the paramount right of the king. This was more remarkably exemplified afterwards, by their resistance to the claims of Andross. He demanded of the inhabitants of that province a patent tax, or pre-emption fee, on the ground that they had purchased their lands of the aborigines without the consent of the king; and with that contempt of the Indian rights which has lately characterized the proceedings of the executive of Georgia, he told the settlers, that "he did not regard the Indian deeds as better than the scratch of a bear's paw."

The result of this controversy was the seizure of Andross by the people of Massachusetts, who sent him to England. When this event occurred the inhabitants of the New-England provinces assumed the powers of government, according to their old charters, without waiting for directions from England.\*

There was always a remarkable difference between the principles of the New-England people, and those of the southern provinces, as to their relations with the British crown. The latter were royal, or proprietary provinces, and deduced their title to the soil from royal grants, and generally deferred to the authority of the crown. The former appealed, indeed, to their charters, as a protection against European encroachments; but they regarded their title to the soil as based upon their labour, and actual occupation with the consent of the aborigines.

The latter acknowledged the power and right of the crown, and of their proprietors, to alter and change their chartered limits at pleasure. The eastern people contended that their charters were given to the colonists themselves, and

\* Chalmers, 469.

could not be altered without their consent. Massachusetts, Connecticut, and Rhode-Island, therefore, assumed, upon the overthrow of the despotic government of the Stuarts, the powers of government under their old charters, which had been declared forfeited. Massachusetts, indeed, subsequently submitted to accept of a new charter with extended boundaries; but the other colonies existed under their original patents until after the revolution.

The difficulties that the authorities at home met with in subduing the refractory spirit of Massachusetts, and the necessity which they conceived to exist of adopting some general system of government for the North American settlements, after the British revolution, induced them to negotiate for the surrender of the proprietary governments.

The proprietors of New-Jersey were persuaded to surrender their province to the crown in 1702, and the proprietors of Carolina followed their example in 1728. William Penn also entered into an agreement for the surrender of his proprietary rights, but was prevented by sickness from executing it.

After these surrenders the British colonies continued, until the French war in 1756, in the following state, viz:—The provinces of Maryland, Pennsylvania, and Delaware, were proprietary; those of New-Hampshire, Virginia, New-York, New-Jersey, and the Carolinas, were subject to and dependent upon the crown; the other New-England provinces were of a peculiar character, holding charters granting to the colonists themselves certain boundaries and powers of government.

The proprietary provinces, as well as Rhode-Island and New-Jersey, were confined within specified and limited boundaries: but the chartered boundaries of Massachusetts, Connecticut, Virginia, and Carolina, were not defined to the west, except by the South Sea.

The boundaries of New-Hampshire, after it became a

royal province, were not accurately defined ; but she had no pretension to any land beyond the Connecticut river. New-York had a vague and indefinite claim, like that of Virginia. It had become a royal province by the accession of the grantee to the crown ; and as its boundaries were not limited to the north nor to the west, except by *Delaware bay*, which runs in a north west direction, so far as it continues to be a bay, it stood in a peculiar situation : Massachusetts and Connecticut claiming, on their part, a large portion of the territory within its present limits, as within their charters, and New-York resisting their claim, upon the ground of the actual occupation of the Dutch, prior to the granting of those charters—a case specially provided for in those instruments ; and the restriction of the western boundary of Connecticut, by different agreements, in 1650, 1664, and 1683, by which the division line between that colony and New-York was to be 20 miles to the east of Hudson river ; and that consequently the western boundary of Massachusetts, as prescribed by the second charter, given subsequent to the settlement of that boundary, could not be extended farther to the west than the line so agreed upon. The exercise of the powers of government by the public authorities of New-York, for a long series of years, over the land in dispute, was also strongly insisted upon. While New-York thus resisted the claims of the eastern provinces, she had an indeterminate and extensive claim to the north western territory, founded upon its relations with those Indian tribes, then known as the five, and afterwards as the six nations.

These tribes claimed, either in their own right or as belonging to their tributaries, most of the territory south of Lake Erie, and bordering on the Ohio. They also claimed the whole of the western part of the state of New-York. The extent and limits of their claim will more particularly appear by an examination of the maps of the early geogra-

phers and travellers. Vide Van Kenlen's Atlas, 1720, Bellin's maps, 1774, Hennopin and Ogilby, 166.

This claim of theirs, indefinite as in its nature it necessarily was, was so far acknowledged by the other provinces, that the governors of Maryland, Pennsylvania, Virginia, and New-York, thought it necessary to procure their assent to any occupation of the lands west of the Alleghany : and by the proceedings of a council, held in 1744, for the purpose of concluding a treaty with the six nations, it appears not only that their title to the western lands was unquestioned, but that these tribes were under the special jurisdiction and superintendence of New-York.\*. This special and exclusive jurisdiction of the provincial government of New-York over the six nations and their territory ; the acknowledgment by those tribes of the sovereignty of that state, and the acquiescence of the other provinces in the claims of New-York, and their reiterated applications to the governor and council to treat with those Indians, through and with their consent, are facts as conclusively established as any events in our colonial history. The records of the province, from the time of its surrender by the Dutch, in 1664, to the era of the American revolution, are full of proceedings demonstrating the above propositions. Virginia, in particular, acknowledged the jurisdiction of New-York, at sundry times. In 1691, the governor of that province treated with those nations through the governor of New-York. The next year he requested that all the Indians living beyond the Appalachian mountains, whenever they might travel to the south thereof, should procure New-York passes ; and in 1721, the legislature of Virginia passed an act recognising that same line as the boundary between the Indians, under the respective jurisdiction of the two provinces.

Subsequent thereto, about 1740, it was agreed at Albany,

\* Golden, Appendix, from 99 to 180.

that the Indians subject to Virginia should not go to the westward of those mountains without passports from the governor of Virginia; and that the Indians living west thereof should not go to the east without a New-York passport.\* Thus settling, as far as it was then necessary, the boundaries of the two governments.

Indeed, the validity of the claim of the six nations to the western territory, the dependence of those nations upon New-York, and the acquiescence of Massachusetts, Connecticut, Virginia, Maryland, and Pennsylvania, in that dependence, are to be seen in all the colonial records. They are more particularly set forth in a report by a committee of congress, which will be found in the next chapter.

The southern limits of Carolina were still undefined, and the creation of a new province within its limits, shortly after the surrender of the charter, viz. in 1732, by the name of Georgia, became the cause of additional embarrassment. In that year, general Oglethorpe, and some other charitable individuals, formed an association for the purpose of establishing a colony in the southern part of Carolina, for the reception of their impoverished and destitute countrymen. With this view they procured to themselves, "as trustees for establishing the colony of Georgia, in America," a grant from the crown of "seven-eighths of the territory lying between the Savannah river and the Alatamaha, and westward between the heads of those rivers respectively, in direct lines to the South Sea." The one-eighth of the above territory was reserved to satisfy the claim of lord Carteret, who had not then surrendered his title as proprietor of Carolina.

It was furthermore provided in this charter, that at the end of twenty-one years, the powers of government within the province should revert to the crown.

\* Colden, Appendix, 121.

The head of the Alatamaha, one of the rivers mentioned in the Georgia charter, extends to the 34th ; the head of the Savannah to the 35th degree of north latitude. Hence, under that grant, the trustees of Georgia took only the territory between those rivers, and a tract, sixty miles wide, extending between the heads of the same rivers westward to the South Sea, provided Great Britain had then the right to grant the same ; but if not, then only so far as her right extended.

In 1752, the trustees surrendered their charter to the crown, and thus placed this province upon the same footing with South Carolina, of which Georgia formerly made a part, and which still possessed and exercised jurisdiction over a large tract of territory south of the Alatamaha.\*

Until this time the British colonists had confined themselves to the sea coast ; and although their charters represented them as extending westward to the Pacific ; still their titles were unaccompanied by possession, and other powers entirely disregarded them, or looked upon them as merely empty claims. Whatever might have been the construction afterwards put upon these grants, at that time the boundaries of the provinces, and the jurisdiction of their legislatures, did not reach beyond the Apalachian mountains.

They now found an unexpected claimant in their rear : Canada, on the north, and Louisiana, on the south, had been claimed and occupied by France, in the same manner as the British had established themselves upon the intermediate sea coast ; and the title of France to those countries was regarded as indisputable as the English title to British America.

By right of discovery, followed by occupation, which

\* Report of the Attorney-General of the United States to Congress, from page 100 to 144.



had now become a valid title, the French crown claimed the Mississippi and its branches, and, as a corollary from that proposition, the lands, to a reasonable extent, watered by those streams. In the prosecution of that claim, the French had (subsequent to 1673, when the French first visited the Mississippi by the way of Canada,\* and, consequently, first explored or traversed the Illinois country or western territory, and 1683, when its mouth was entered by La Salle) sought to establish themselves at the mouths of the Mississippi and Alabama, and to extend their settlements and forts to the interior along the course of those rivers and their branches. Between the beginning and the middle of the eighteenth century, they had established themselves at Mobile, New-Orleans, Tombechbe, and Tholouse in the Alabama territory,† and built forts at those places for the protection of their traders and settlers. Advancing thus up the valley of the Mississippi, from the gulf of Mexico in a northern direction, and up the St. Lawrence and the lakes from the gulf of St. Lawrence, in a south-west direction, and having traversed the intermediate territory, the French conceived the idea of anticipating the growth of their settlements, and of uniting the two governments by a chain of forts along the course of the Ohio. By this step they would have confined the English colonies to the eastward of the Alleghanies, and secured to France the western territory, and the greater part of the Indian trade. Between 1743 and 1754, the governor of Canada took measures to execute this resolution, by causing forts to be erected and troops stationed at Kaskaskia, at posts established at the mouth of the Missouri and on the Illinois and Miami, at Natchez, and at Du Quesne, now Pittsburgh.‡ In this manner France endeavoured to establish her claim to the Illinois country, and to place it upon the solid footing of actual occupation.

\* Marshall's Washington, 349.

† Pownall, Appendix, 23.

‡ Ib. 24, 25.

On the other hand, the colonists, alarmed at the rapid strides of the French, took measures, although somewhat later, to obtain a footing in the same country. Influential individuals in England and America associated themselves under the name of the Ohio company, and procuring a grant from the *crown* for 600,000 acres of the land in dispute, prepared to establish trading houses among the Indians.\*

Upon hearing of this, the governor of Canada gave notice to the governors of New York and Pennsylvania, that he should regard any encroachment upon the lands westward of the Alleghanies as a violation of the territories of France; and in pursuance of that notice, arrested the English trading among the Indians, and confined them as prisoners. By this step the titles of England and France to the country west of the Appalachians were put in issue; and directions were sent out to the governors of the British colonies to take effectual measures to dislodge the French from their posts on the Ohio. Similar directions were not given respecting the posts on the Tombeckbe, and in the Alabama territory, as they were considered as more particularly belonging to the French.

Union was recommended to the colonies, and commissioners from the different provinces met at Albany, to concert measures for mutual defence.

Pennsylvania being a proprietary province, and from its pacific character an unsafe dependence, when it became incumbent to resort to arms, Virginia, as the nearest royal province to the scene of danger, was the foremost in taking the necessary steps to vindicate the title of the British crown.

In 1753 the assembly of Virginia, pursuant to the policy then adopted, passed an act for the encouragement of set-

\* 1st Marshall's Washington, 354.

tlers on the waters of the Mississippi.\* This is the first act by the provincial government of that colony, in which any jurisdiction was claimed over the western territory. In 1754, another act for a similar purpose was passed; and two hundred thousand acres of land on the western waters, one hundred thousand of which were within the limits of Pennsylvania,† were also promised by the royal governor to the officers of a regiment, raised to resist the encroachments of the French. This regiment afterwards marched to remove the French, at the confluence of the Alleghany and Monongahela; and in that attempt hostilities were formally commenced. This war had for its object the establishment of the title of England to the western territory. The British crown did not, even then, claim all the Illinois country; but claiming enough, so as to be able to make concessions in the course of negociation, she particularly resented the occupation by the French of posts so near her colonies as Du Quesne, and regarded it as an attempt to expel her subjects from the continent.

To which of the belligerents the part of the country in dispute belonged, according to the European doctrine, it would be difficult to decide. If it be admitted that England, as the first discoverer and occupant, had a right to the country inland, the extent of her claim to an immense and unexplored continent like this, would still be in doubt.

France would have a title to Canada on the the north, and Louisiana on the south, upon the same principles upon which England founded her claim to the thirteen colonies; and the configuration of the sea coast would necessarily oblige the English to diminish their western limits, as prescribed by their charters; or the French to abstain from making any settlements in the interior. They could not both extend their claims, upon right lines, into the bosom

\* 3d vol. Secret Journal of Old Congress, 187. † Vide Appendix.

of the continent, and it was obvious that neither possessed such a manifest superiority of title, as to put an end to the controversy.

The territory, it is true, fell within the chartered limits of several of the British provinces ; but France did ~~not~~ feel bound by the patents of another power to which she had never assented, and which necessarily contravened the principles by which the occupation of the American continent was justified.

The date of the different settlements afforded no criterion by which the question could be settled. In 1542 a French governor wintered in Canada. In 1563 the protestant settlement under Laudownian was established in Florida. These were of earlier date than the temporary colonies planted by Gilbert and Raleigh ; but they were also ephemeral, and little or no stress could be laid upon them as proofs of the title of France. The date of the commission to De Montz was earlier than the first grant to the London and Plymouth companies, and in this point the French had the advantage ; but, on the other hand, the English settlements were extensive and permanent, evincing a fixed design to cultivate the soil, and to reduce the wilderness to the power of civilized man.

The French, on their part, urged that the British settlers were confined to the Atlantic coast, and that the Apalachian mountains formed a natural boundary to their possessions, beyond which they had never attempted to advance, until they found the French in actual possession of the valleys of the Mississippi and Ohio.

In this state of things all felt, that the interior boundary must be settled, by negociation or force ; and, like most controversies between nations of equal strength, it was ultimately defined by treaty after a long and expensive war. To the prosecution of this contest the colonies freely contributed men and money ; and Massachusetts and

New-York were particularly distinguished for their exertions in subduing the common enemy. When the preliminaries to a treaty of peace were proposed, the arms of England were successful by sea and by land, and she did not feel satisfied with a mere definition of the dividing line between the American possessions of France and England ; but insisted upon retaining those parts which had fallen into her hands by the fortune of war. These terms France and Spain, which had been drawn into the contest after it had begun, were obliged to accede to ; and at the treaty of peace, France ceded to Great Britain, Canada, Mobile, and all that she was entitled to east of the Mississippi ; and Spain, on her part, ceded Florida, and all that was claimed by that crown to the east or south-east of the same river.

By this treaty the European title of Great Britain to all the country east of the Mississippi became complete ; and it is rendered difficult by these cessions to point out, with precision, what portions of this territory were acquisitions from France and Spain, and what before properly belonged to England ; but to which the title was contested by one or both of those powers.

Some prominent points, however, are more easily ascertained ; and from these it may be fairly concluded, that the greater part of territory included between the Mississippi, the great lakes, and the Alleghanies, belonged to France, and was regarded by Great Britain as acquisitions from that power at the conclusion of the war.

For instance, the title of Great Britain to the province of Georgia, even on the sea coast, was disputed by both France and Spain ; and by the tenth article of the treaty of perpetual alliance between those powers concluded in 1743, it was agreed, that their majesties would take measures to compel the English to destroy that colony, “ the establishment of which” (it is there asserted) “ the English have not

been able to justify by any good title." While the British title to the Atlantic part of this province was in doubt, the title of France to the interior thereof beyond the Appalachian mountains was also denied by a few, but with as much reason as the British title to Savannah. Its settlement on the Mobile and in the Alabama territory had been established without complaint, and its right of possession was undisputed. The greater part of what now composes the states of Mississippi and Alabama, and probably the state of Tennessee, may be therefore regarded as part of the acquisitions from France in the war of 1756. The whole of the territory north of the Ohio, and east of the Mississippi, is to be ranked in the same description.

The following facts prove this beyond controversy. It must be borne in mind, that France had first explored this tract of country, and then held actual possession thereof.

When the war was about commencing, England proposed to France the following boundary line between their American possessions, viz : " A line to be drawn from the junction of the river Des Boeufs with the Ohio at Venango up the river to Lake Erie, and in a right line from Venango to the last of the mountains of Virginia which descend towards the ocean."\* By this arrangement England would have relinquished all the territory now forming the states of Kentucky, Ohio, &c., and part of Virginia and Pennsylvania. It was also proposed, that the aboriginals should occupy, as independent nations, the country between this line and the Mississippi, and that it should have nothing in common with the colonies.

Afterwards, upon the failure of the French arms, that power proposed to cede Canada to England, and the discussion turned upon the boundary between Canada and

\* 4th Secret Journal, 74:

Louisiana, to one of which colonies, France contended, all the western country appertained. The English minister denied that proposition, and the French negociator replied, that France did not pretend that what was not Canada was Louisiana, but demanded that the intermediate nations between Canada and Louisiana, and Virginia and Louisiana, should be considered independent, and a barrier between the French and English.\*

Mr. Pitt admitted that those nations did form the true barrier between the provinces, but would not admit them to be within the limits of Louisiana.† He maintained that a part of them were independent, a portion under the protection of Great Britain, and that the crown had purchased a part of that country from the Six Nations. As to the course of the Ohio and the adjoining country, France contended, that it belonged to Louisiana; and England that it was within the limits of Canada, together with all the territory between the lakes, the Mississippi, the Ohio, and the Wabash, and appealed to the French maps to prove it.‡

Upon peace being concluded, Gen. Gage, the commander of the British forces in North America, issued a proclamation in February, 1764, in which he says, "Whereas by a treaty of peace, concluded at Paris, February 10, 1763, the country of the Illinois has been ceded to his Britannic majesty, and the taking possession of the same by the troops of his majesty, though delayed, has been determined upon;" he therefore exhorts the inhabitants to submission.§

The preamble to the celebrated proclamation of 1763.

\* 5th Entick's History, 170.

† Note to Mr. Bussy, July 29, 1761. Ib. 122.

‡ Ib. 171. 4th Secret Journal, 75.

§ 1st United States' Laws, 507.



also regards these territories as acquired by the treaty of peace. (Vide note.)\*

It then proceeds to erect the provinces of Quebec, East and West Florida, within those countries ceded, and to add to Georgia "all the lands lying between the rivers Alatamaha and St. Mary's." This augmented the old chartered limits of Georgia, according to the ordinary meaning of terms, to a line drawn from the head of the St. Mary's to the head of the Alatamaha. Still it did not comprehend all within the present limits of Georgia, and none of the territory now forming the states on the western border. The next year, however, (1764,) James Wright was commissioned as governor "in and over the province of Georgia," described as follows :—

"Bounded on the north by the most northern stream of a river there commonly called Savannah, as far as the head of said river, and from thence westward as far as our territories extend ; on the east by the sea coast from the said river of Savannah to the most southern stream of a certain other river called St. Mary ;

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*\* Proclamation of the king of Great Britain (of the 7th October, 1763.)*

BY THE KING, A PROCLAMATION.

GEORGE R.

WHEREAS we have taken into our royal consideration the extensive and valuable acquisitions in America, secured to our crown by the late definitive treaty of peace, concluded at Paris the 10th day of February last ; and being desirous that all our loving subjects, as well of our Kingdoms as of our colonies in America, may avail themselves, with all convenient speed, of the great benefits and advantages which must accrue therefrom to their commerce, manufactures, and navigation."†

† 1st United States' Laws, 448.

including all islands within twenty leagues of the coast, lying between the said rivers Savannah and St. Mary as far as the head thereof, and from thence westward as far as our territories extend by the north boundary line of our provinces of East and West Florida.”\*

By the proclamation of 1763, the boundary of East and West Florida was declared to be a line running from the source of St. Mary's river to the junction of the Flint river with the Apalachicola, thence up the latter river to the 31st degree of north latitude, and thence due west to the Mississippi. By this description of the boundary of the Floridas, coupled with the commission to Governor Wright, it would seem, that all the territory acquired from France, between Florida and the 35th degree of north latitude, was annexed to Georgia, and intended to form a part of that province.

In the same proclamation, however, there is a provision relating to the Indians and their lands, which materially diminishes the force of this conclusion. The crown, intending to carry into effect the proposition, so often stated in the course of the previous negociation with France, declared in that document that it was

“ Just, and reasonable, and essential to our interest and the security of our colonies, that the several nations or tribes of Indians, with whom we are connected, and who live under our protection, should not be molested or disturbed in the possession of such parts of our dominions and territories as, not having been ceded to or purchased by us, are reserved to them or any of them, as their hunting grounds; we do therefore, with the advice of our privy council, declare it to be our royal will and pleasure, that no governor or commander-in-chief in any of our colonies of Quebec, East Florida, or West Florida, do presume, upon any pretence whatever, to grant warrants of survey, or pass any patents for lands beyond the bounds of their respective governments, as prescribed in their commissions; as also, that no governor or commander-in-chief of our other colonies or plantations in America do presume, for the present, and until our further pleasure be known, to grant warrants of survey, or pass

\* United States' Laws, 449.

patents for any lands beyond the heads or sources of any of the rivers which fall into the Atlantic Ocean from the west or north-west; or upon any lands whatever, which, not having been ceded to, or purchased by us as aforesaid, are reserved to the said Indians or any of them.”\*

All the lands beyond the mountains, and not within the governments of Quebec or Floridas, were thus reserved under the sovereignty, protection and dominion of Great Britain, for the use of the Indians; and all persons were enjoined to remove from the same, and not to make any settlements within those limits for the future.

By this arrangement, all the country above the north boundary of Florida, between the Mississippi and the Appalachians, as far north as a line drawn from Nipissim to the St. Lawrence, was reserved for the use of the aborigines. At the same time, directions were given for the regulation of the Indian trade. In short, it was intended to confine the colonies to the sea-coast, and to keep them within the reach of the commerce of the mother country. This is so fully manifested by the reports of the board of trade, upon a petition submitted to it in 1670, of a company wishing to establish a colony upon the Ohio, that a few extracts will not appear out of place.

“The proposition of forming inland colonies in America, is, we humbly conceive, entirely new: it adopts principles in respect to American settlements, different from what have hitherto been the policy of this kingdom, and leads to a system which, if pursued through all its consequences, is, in the present state of that country, of the greatest importance.

And first, with regard to the policy, we take leave to remind your lordships of that principle which was adopted by this Board, and approved and confirmed by his majesty, immediately after the treaty of Paris, viz. the confining the western extent of settlements to such a distance from the sea-coast, as that those settlements should lie *within the reach of the trade and commerce of this kingdom*, upon which the strength and riches of it depend;

\* 1st United States' Laws, 446.

and also of the exercise of that authority and jurisdiction which was conceived to be necessary for the preservation of the colonies in a due subordination to, and dependence upon, the mother country, and these we apprehend to have *been two capital objects of his majesty's proclamation* of the 7th of October, 1763, by which his majesty declares it to be his royal will and pleasure to reserve, under his sovereignty, protection and dominion, for the use of the Indians, all the lands not included within the three new governments, the limits of which are described therein, as also all the lands and territories lying to the westward of the sources of the river which shall fall into the sea from the west and north-west, and by which all persons are forbid to make any purchase or settlement whatever, or to take possession of any of the lands above reserved, without special license for that purpose.

The same principles of policy in reference to settlements at so great a distance from the sea-coast, as to be out of the reach of all advantageous intercourse with this kingdom, continue to exist in their full force and spirit; and though various propositions for erecting new colonies in the interior parts of America, have been, in consequence of this extension of boundary line, submitted to the consideration of government, (particularly in that part of the country wherein are situated the lands now prayed for, with a view to that object,) yet the danger and disadvantages of complying with such proposals, have been so obvious as to defeat every attempt made for carrying them into execution."

Keeping these maxims of policy in view, and applying them to the alteration in the boundaries of Florida, upon the recommendation of the board of trade, about two months after the date of governor Wright's commission; and the extension of the boundaries of Georgia by that document, to the Mississippi, will, to say the least, appear very problematical.

Shortly after the proclamation of '63, it was found that there were very considerable settlements upon the east bank of the Mississippi, as well as Mobile itself, above the Florida line, and therefore it was proposed by the board of trade,

"That an instrument may pass under the great seal, (in like manner as was directed in the case of the extension of the south,

*[not the west,]* boundary of Georgia,) declaring that the province of West Florida shall be bounded to the north by a line drawn from the mouth of the river Yasous, where it unites with the Mississippi; due east to the river Apalachicola, by which we humbly conceive every material settlement depending upon West Florida, will be comprehended within the limits of that government.”\*

This instrument was granted ; and on the 6th of June 1764, the commission to the governor of Florida, so far as the boundaries of that province were therein prescribed, was revoked, and the boundaries above requested, granted. Why, we may ask, was not the commission to governor Wright, so far as the boundaries of Georgia were diminished, revoked, as well as the commission of the governor of Florida, whose boundaries were enlarged ? Why was an allusion made to the manner of the extension of the boundaries of Georgia, without suggesting that these settlements were within that province ? Why annex these settlements to Florida, except to conform to the policy adopted at the peace of '63, and thus to confine the colony of Georgia to the eastward of the Appalachian mountains, and to keep the colonists from infringing the Indian boundaries ?

This was the intention of the crown in granting those different commissions ; and the colonists do not appear to have entertained a different opinion, until Virginia led the way, after the declaration of independence, by asserting her title to the western lands, in her constitution. The following proclamation of general Gage, dated 1772, affords additional proof on this subject.

“ Whereas many persons, contrary to the positive orders of the king upon this subject, have undertaken to make settlements beyond the boundaries fixed by the treaties made with the Indian nations, which boundaries ought to serve as a barrier between the whites and the said Indians ; and a great number of persons have established themselves, particularly upon the river Ouabache, where they lead a wandering life, without government and without laws, interrupting the free course of trade, destroying the

\* 1st Vol. United States' Laws, 450.

game, and causing infinite disturbances in the country, which occasions a considerable injury to the affairs of the king, as well as those of the Indians;

His majesty has been pleased to order, and by these presents orders are given, in the name of the king, to all those who have established themselves on the land, upon the Ouabache, whether at St. Vincent or elsewhere, to quit those countries instantly, and without delay, and to retire at their choice, into some one of the colonies of his majesty, where they will be received and treated as the other subjects of his majesty.”\*

In this proclamation, a distinction is made between the British colonies and the western country, clearly showing that the general understanding was, that the provinces did comprehend that territory.

If any doubt could exist as to the correctness of this proposition, it must be resolved upon a reference to the celebrated Quebec Act, passed in 1774,† and the proceedings of the colonists thereupon. By this act, and the commission to governor Carleton,‡ all the territory between the western boundaries of Pennsylvania, Ohio, and the Mississippi, was annexed to the province of Quebec or Canada, because, as the preamble set forth, all that territory had been left without any civil government.

This act, it is true, was afterwards enumerated in the declaration of Independence, among the injuries and usurpations on the part of the British crown: not, however, because the boundaries of Quebec were enlarged at the expense of the older provinces; but because, having established by this act, an arbitrary government in that province, the enlargement of its boundaries would render it a fit instrument for introducing the same into the other colonies.

Is it to be believed, that the Continental congress would have omitted to enumerate among the causes of separation, so prominent a cause, as the arbitrary diminution of their

\* 1st United States' Laws, 508.

† 2d Remembrancer, Appendix, 38. ‡ Ib. 2.

boundaries, if they had believed themselves to be aggrieved in that point. That they did not regard the extension of Quebec as an encroachment upon their boundaries, is manifest from the following proceedings. In their association, entered into October 20th, 1774, the Quebec act is described as “An act for extending the province of Quebec so as to border on the western frontiers of these colonies.”\* In their address to the colonists the next day, they say, “the limits of that province are extended, so as to comprehend those vast regions that lie adjoining to the northerly and westerly boundaries of those colonies.”† In their address to the king, dated October 26th, 1774, the same description is given to the addition to Quebec:‡ and also in their address, dated July 8th, 1775.§

In these public papers are plainly developed the opinion then prevalent as to the character, propriety, and sovereignty of the north-west territory.

The conclusions to be drawn from the foregoing statements, are important in their bearings upon the proceedings during, and subsequent to, the revolution, and are as follows :

1st. That the European monarchs, when their subjects first undertook the settlement of the sea-coast of this continent, were ignorant of its geography ; and gave charters of the most vague and inconsistent character, as to boundaries, to encourage them in that design.

2dly. That the chief end proposed by those colonies was the civilization and conversion of the Indians.

3dly. That the western boundary first assigned in the charters to Virginia, Massachusetts, Connecticut, Carolina, and Georgia, viz. the Pacific, was prescribed, when Great Britain had not the right to grant, according to the European doctrine, the territory to that extent.

\* 1st vol. Journal Old Congress, 23, W. and G. Ed. † Ib. 37.

‡ Ib. 47. § Ib. 107.



4thly. That the Virginia grant of 1609, was resumed by the crown ; that it was originally given to a corporation in England, which was legally dissolved ; that its limits were indefinite, and inconsistent with the rights of other powers, and that if it had not been resumed, it would have been void, so far as it purported to give a claim to the western country.

5thly. That the province of New-York, previous to the revolution, possessed jurisdiction over the country of the Six Nations ; and that those tribes claimed a great portion of the western territory.

6thly. That the crown enjoyed, by virtue of its prerogative, the right to alter, extend, and diminish, the chartered limits of any of the provinces subject to the royal government ; and that that right was exercised towards the provinces of Virginia, Carolina, and Georgia, after the resumption of their charters, without remonstrance on the part of their inhabitants.

7thly. That the British government and the colonists, before the war of '56 regarded the territory westward of the Appalachian mountains as beyond the western limits of the provinces ; that the Illinois country, or that north of the Ohio, was in the possession of the French ; that the authority first exercised by the provincial governments over that country, was at the commencement of that war, in consequence of orders from the British ministers, and in the nature of a claim of title ; and that it was considered as wrested from France by the arms of the colonists and Great Britain.

8thly. That upon peace being declared, the crown meant so to limit the provinces as to confine them to the sea-coast ; and the proclamation of '63 was issued for the purpose of giving them a western boundary, and to reserve the territory beyond that line, to wit, the Appalachian moun-

tains, for the use of the Indians, under the sovereignty of Great Britain.

9thly. That previous to the revolution, and after the colonies had been brought under a systematic government, the management of Indian affairs had belonged to the crown, and its immediate representatives. The New-England colonies indeed had regulated their own Indian relations by means of commissioners appointed for the confederacy of New-England, until the dissolution of their charters. This, however, was owing to their peculiar spirit, and that tone of independence which had prompted them to deny the supremacy of the mother country under Cromwell, and to proclaim their contempt of Charles's authority by the sound of the trumpet. This contumacy existed until the forfeiture of their charters, and their consolidation under Andross. Their joy at their deliverance from that tyranny by the Prince of Orange, induced them to submit to some modification of their government; but previous to that moment, the Indian title to the greater part of the territory east of New-York had been extinguished by conquest or purchase: and the aboriginals had become too insignificant in point of numbers to engage the attention of the royal government. As the charters in those provinces had been given to the colonists, the soil when the Indian title was extinguished, belonged to them, as a body politic. In the other provinces it was vested in the proprietors, or in the crown. Here the savages were more formidable, and the British government, as possessing the power of peace and war, and the treaty making power, assumed the management of the Indian affairs. This power was exercised in different ways. Some of the tribes which were on the point of dissolution, were subjected to the provincial governments. Others, more powerful, bordering on the frontier settlements, but within the acknowledged boundaries of the provinces, were placed under the

special superintendence of the several royal governors. The Six Nations, which then was the most important body of natives, not only from their numbers, but from their tributaries, allies, and the extent of their territory, were under the protection and jurisdiction of New-York ; and the other tribes, inhabiting that vast wilderness, west of the Appalachian mountains, were under the superintendence of the British crown ; which treated with, and conveyed its intentions to them, through the immediate representatives of the sovereign in America ; sometimes through the governors of New-York, Virginia, Carolina, and Georgia ; and sometimes through the commander-in-chief of the regular troops.

10thly. That at the commencement of the revolution, the colonies did not claim, as within their provincial limits, any part of the old north-west territory, which had been previously annexed to the province of Quebec by the crown, in the exercise of an unquestioned prerogative.

### CHAPTER III.

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*Formation of the Confederacy.—Adoption of State Constitutions.—Articles of Confederation.—Limits of States.—Western Lands.—Indians.—Obstacles to the Adoption of Articles.—Cessions by States.—Treaty of Peace.—Creeks. State Treaties.—Federal Constitution.—Yazoo Contract.—Agreement of 1802.—Construction of that Agreement.*

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HAVING in the preceding chapter endeavoured to set forth in a succinct manner the condition of the British provinces, and the nature of the relations subsisting between them, the royal government, and the aborigines, previous to the American revolution, it is now necessary to direct our attention to that interesting period of our history.

After the conclusion of the war of 1763, the British ministers seem to have adopted a more rigorous and uniform system of government for the North American colonies, than they had before been subjected to. As this ministerial project was regarded by the Americans, (to use the words of the eloquent Burke,) “as a system of perfect uncompensated slavery, in which the restraints of an universal internal and external monopoly were joined with an universal internal and external taxation ;” they prepared to resist the designs of the mother country with the spirit of freemen. This determination was not a transient feeling ; but a deep, enduring sentiment, pervading the whole mass of society ; supplying the place of laws and government, and inducing the colonists to place their persons and fortunes upon the hazard of successful resistance. In order

to concentrate their forces, and to act in their common cause as one people, the leaders of the opposition were invested with power, by the primary assemblies, to represent the different provinces in a continental congress, and to act in their behalf, for the purpose of procuring a remedy for the evils with which they were threatened.

The first meeting of this body was held September 5, 1774 ; and in that body twelve of the colonies were represented by the consent of the people. In this congress it was determined to adopt such measures of resistance to the designs of Great Britain as did not necessarily imply a hostile disposition. An agreement neither to import nor consume British goods, nor to export produce to Great Britain, was entered into by the delegates for themselves and their constituents, and remonstrance and petition employed to avert the crisis which was manifestly approaching. In these acts, and the pledges which were mutually given, both by the delegates of the several colonies, and by the people in their primary assemblies, is to be seen the germ of the American republic.

The next year, on the ever memorable 19th of April, the inhabitants of Lexington and Concord, in accordance with public sentiment, and (it may be said) the tacit general understanding of the colonists, in resisting the British troops, commenced hostilities, and thus put the respective rights and claims of the two countries upon the arbitration of war.

On the 10th of May, the delegates of the same provinces met again in congress, and formally made the cause of the provincial troops round Boston, the cause of the colonies. They acknowledged it to be their own, and prepared to prosecute it with the same spirit with which it had been commenced. Steps were taken to place the colonies in a state of defence ; rules and regulations framed for the government of the troops ; measures adopted to expel the enemy from the

continent ; a large force assigned for the siege of Boston ; bills of credit, to the amount of \$2,000,000, issued, and the faith of the twelve colonies pledged for their redemption ; negotiations commenced with the Indians, to engage their friendship and neutrality ; and a resolution passed “ prohibiting all intercourse with Georgia, except St. John’s parish, (which had then renounced all connexion with the rest of the province,) Canada, Nova Scotia, Newfoundland, the Island of St. John, and East and West Florida, as dependencies of the common enemy, until the further order of congress.”

In short, congress assumed, in behalf of the country, the character of an independent nation, to effect certain specified objects ; and the colonists ratified their proceedings, and conferred upon that body, by the resolutions passed in their primary assemblies, the powers of national government, so far as they should be required for the accomplishment of the objects proposed. (See Appendix B.) These were, by negotiation or force, to bring the mother country to a sense of what was due to the colonies, and to settle the existing difficulties upon a permanent and equitable footing.

About three months after the commencement of hostilities, Georgia acceded to the confederation, and, of course, made herself a party to the proceedings, views, and responsibilities of the other provinces.

In the course of the contest its character changed. The more full developement of the ultimate designs of the British government had convinced the colonists that there could be no safety in any connexion with England, and they resolved upon separation. On the fourth of July, 1776, by an unanimous vote of the continental congress, “ these united colonies were declared to be free and independent states,” and all political connexion between them and Great Britain to be totally dissolved. This declara-

tion was only a public acknowledgment and justification of the resolution, which had been previously adopted. Nearly two months previous to that period, they had manifested their determination, by recommending to the several provinces to form new civil governments. It would be difficult, among the many acts of resistance to the royal authority, to point out in the proceedings of the leaders of the revolution, the first act by which they first indicated their determination to be a separate nation; but this manifesto gave the most satisfactory evidence of their resolution, and pledged all the colonies to its execution.

By this instrument, and the subsequent proceedings thereon, the American people declared themselves to be an independent nation, then at war with Great Britain; but as such, the whole were responsible to all the world, for the acts of the citizens of each and every of the colonies. They were free and independent, not as isolated states; but as the UNITED STATES OF AMERICA; and as such only could they be regarded by mankind.

As between themselves, they were bound together by their acts and their declarations; although the terms and conditions of their union were not properly defined. They comprehended, however, all that was necessary to prosecute the war to a successful result. To this they had pledged themselves; and, however congress might have been disposed to conciliate and to persuade the several states, instead of resorting to coercive measures; no doubt can be entertained, that a refusal to comply with its requisitions upon any of the states for the public service, was a violation of faith, and that a withdrawal from the confederacy by one of its members, would have been a good cause of war, and have justified the invasion and conquest of that state by the rest of the union. The force of circumstances had formed them into a nation, one and indivisible, and instituted a general government, long before the state constitutions, or the articles



of confederation, were framed. As such they were regarded by other civilized nations; and in that character, anterior to the adoption of any federal constitution, or articles of confederation, they had entered into a treaty of commerce and an offensive and defensive alliance with France; and had undertaken, in conjunction with that kingdom, important enterprises, which pre-supposed the existence of a national government, and that that government possessed certain extensive powers over the people of the United States. (Vide Appendix B.)

With Great Britain, they were in a state of war, striving to expel her troops from the continent, and to appropriate for themselves as much of it, as they could gain by force. With this view expeditions were undertaken against the several British posts within the thirteen states, in Canada, the North-West Territory, and St. Augustine in Florida.

As to the other European powers, they were but one people, and known either as the United States of America, or as the insurgent colonies of Great Britain. While among themselves they were communities formerly distinct for all the purposes of local legislation; though subject in some matters, and especially in all matters relating to Indian tribes and their territory, to the legislation of the mother country and the royal authority; but now united by common wrongs and common apprehensions in one cause, and obliged to provide new political institutions to meet the exigencies of their novel situation.

This subject early engaged the attention of the actors in the revolution; and the novel spectacle was presented of a people contending for freedom and independence with a power, whose fleets and armies threatened their extermination, and occupied with arms in their hands in laying the foundations and erecting the superstructure of their political institutions. Since the time when Nehemiah rebuilt Jerusalem, there had not been seen a community, of whom

it could be so emphatically said ; “ every person with one of his hands wrought in the work, and with the other hand held a weapon.”

Although in the first burst of resistance, the place of civil government was supplied by public sentiment, and the powers of the Provincial and Continental Congresses ; still, the necessity of adopting a more regular, and better defined political system, was admitted by all. Congress, acting upon this conviction, on the 15th of May, 1776, recommended to the *people* of the several colonies “ to adopt such government as should, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and America in general.” \*

Pursuant to that recommendation, the local conventions proceeded to prepare constitutions for each of the several colonies ; and their delegates in the continental congress endeavoured to frame an acceptable system of government for the confederacy, by which the very indefinite powers possessed by that body, might be distinctly marked out, and the respective rights and obligations of the general and local governments properly defined.

The inhabitants of the old British colonies, thus proceeded simultaneously to institute the political system, under which they were to exist as an independent community, united for some purposes, and separated for others. The local governments being more simple in their nature, and less extensive in their operation, were more readily agreed upon, and earlier established ; but the intention of forming a national government was so early and so universally adopted, that it may be safely asserted, that the American people never entertained the idea of existing in independent and separate states.

They meant to be one and indivisible ; and the only diffi-

\* 1st Journal Old Congress, 300, 345.

culty was how to apportion the powers of government, so as to give to congress such powers, as would enable it to represent and protect the national interests, without encroaching upon the state authorities, to whom was confided the care of the local interests. Instead, therefore, of regarding the general government as formed by concessions on the part of the state governments; it is to be considered as equally the establishment of the people, who for the sake of convenience after framing its constitution in a general congress, expressed their assent to its provisions through their local assemblies, and apportioned to each its political powers, by the constitutions provided to guide those, to whose hands the administration of the government was confided.

This apportionment, however, only referred to what then existed, and not to what was subsequently acquired by the thirteen states in their confederated character. For instance, if any thing had been acquired by conquest from Great-Britain as military munitions, or a province not acceding to the union, or uncultivated and unappropriated territory, it is clear that such acquisition would have belonged to the confederacy, and not to the states separately. It would have constituted a common fund, to be appropriated for the prosecution of the war, the reimbursement of the public creditors, or in any other way for the general benefit. What belonged to the colonists, either individually or as provincial communities, was apportioned at the commencement of the revolution among the several governments; but all acquisitions by conquest necessarily fell under the jurisdiction of the national government. As the property of the crown, it became the right of the opponent of the crown; as an acquisition in war, it was vested in that party which carried on the war. This opponent of the crown was the American people, represented in continental congress. The quarrel was theirs, and theirs only, and to them, in their collective capacity, belonged the acquisitions and results of that war.

It was soon, however, foreseen, that in case of success, it would be difficult to define the boundary, between what was conquered from Great Britain, and what had previously belonged to the colonists as distinct communities. This question was intimately connected with another, touching the Indian title to the territory occupied by them and the right of preemption of that title. This right of preemption, according to the English doctrine, belonged to the crown; excepting in the states of Massachusetts, Rhode-Island and Connecticut, where it was vested in the colonists, and in Pennsylvania and Maryland, which were proprietary governments. When the authority of the crown was thrown off, it was natural and proper that those aborigines who were surrounded by the white population, and within the actual jurisdiction of the local legislatures, should be confided to their superintendence. Without any of the attributes of independence; unable to protect themselves from their neighbours, and even from their own passions; and almost on the point of dissolution, as most of the tribes surrounded by the whites soon become, it was humane and necessary, that those who were able, should assume the power and right of protecting and governing them. They could not be regarded as fit subjects for the care of a government instituted for national purposes; but formed a part of the several communities in which they resided, as the gypsies formerly made a part of many of the European states.

On the other hand, those tribes which did not come in contact, with even the frontier settlements of the colonists, as naturally fell within the jurisdiction of the general government. They were independent in fact; under the government of their own chiefs and national councils; and at the formation of our government, so far from claiming any authority over them; great solicitude was manifested, and great pains taken by the public authorities to conciliate them, and to preserve their friendship or neutrality in the impending contest.

Other tribes, almost in contact with the white settlements, without being enveloped by them, could not be so distinctly classed. They were too powerful and too well organised to be ranked with the former as under no government of their own, and still they were so connected with the colonists and the crown by treaties, as to be considered partly dependent.

The same state of things existed as to the western boundaries. With the exception of Maryland, Pennsylvania, Delaware, New-Jersey, and Rhode-Island, the chartered limits of the provinces were very indefinite. So far as the states had any existence independent of the royal charters, they were communities confined to the eastern side of the Appalachian mountains. To the extent of their continuous settlements, and, indeed, to the utmost limits of their usual and actual jurisdiction, no doubt could be entertained as to the right of the several states. As little could exist as to the right of the confederacy to that territory, which had been placed beyond the provincial limits by the crown, and which, consequently, was an acquisition, by war, from Great Britain. It was difficult to define the extent of these respective rights; and this difficulty was increased by the conflicting claims of the different states, as to their own boundaries. Another question was also presented, by the nature of the Indian title, and the doctrine that notwithstanding this title, the ultimate dominion, or right of preemption, belonged to the crown. Within the acknowledged limits of many of the states, the Indians still claimed and occupied large tracts of territory, to which their title had not been extinguished.

Here, again, were conflicting claims. The confederacy contended, that all this was royal property, and therefore became vested in the antagonist of the crown. The states insisted that they possessed the sovereignty over the soil, and that that carried with it the property. These compli-

cated difficulties left no other alternative, than to arrange the matters by compromise and negotiation.

Under these circumstances, the local conventions and provincial congresses proceeded to institute state governments, and the continental congress to frame articles of confederation, for the direction of the general government. Some of the states, as Rhode-Island and Connecticut, being well satisfied with their chartered governments, which were popular, and entirely independent of the crown, began to exist as states, under their old patents, without alteration. The others instituted new governments at different periods, as opportunity offered.

Massachusetts and New Hampshire, "took up government," as they called it, in the early part of the year 1775; and afterwards, when the enemy was expelled from their borders, adopted more regular constitutions.

Massachusetts in 1780, and New Hampshire in 1783.

New Jersey adopted her constitution July 2d, 1776.

Virginia, July 5th, 1776.

Maryland, August 14th, 1776.

Pennsylvania, September 28th, 1776.

North Carolina, December 18th, 1776.

New York, April 20th, 1777.

Georgia, February 5th, 1777.

South Carolina.

Delaware, September 20th, 1776.

In all these constitutions there is a direct reference to the authority of congress. In the constitution of New-Jersey, it is called "the *supreme council* of the American colonies," and in most of the others, the recommendation of that body is spoken of as the motive, which induced the formation of state governments.

Whilst the local conventions were thus engaged, the continental congress was preparing a constitution for the guidance of those, who administered the general government.

In that body, as the supreme council of the nation, the questions above-mentioned naturally became the subjects of discussion.

The regulation of all Indian affairs was, however, thought more peculiarly to belong to congress, and less objection was made to its claim to that prerogative, than in the matter of boundaries.

Even in the provisional government proposed by Dr. Franklin, July 21st, 1775, which was to last only, until an honorable reconciliation could be effected with Great-Britain, there were articles prohibiting any colony from engaging in war with an Indian nation without the consent of congress, and securing to the Indians their lands, and appointing agents to reside among them, and to supply their wants at the general expense. It was also provided, that no private nor colony purchases should be made of the Indians; but that all purchases should be made by congress for the benefit of the united colonies.\*

These articles were not adopted, from the conviction, that if an arrangement were speedily made, it would not be necessary to define the powers of the general government; and if not, then, another and more decisive course ought to be taken.

In the mean time congress proceeded to direct and manage our relations with the Indians, as necessarily within the jurisdiction of the national government.

The attention of that body was first directed to this subject by a petition from the inhabitants of the western part of Virginia, June 1st, 1775, intimating their fears of a rupture with the savages, on account of Lord Dunmore's conduct.†

On the 1st of the succeeding month, congress resolved, that if the agents of Great Britain should induce the Indians to attack the Americans, "the colonists ought to avail themselves of an alliance with such Indian nations as will enter

\* 1st Secret Journal, 271.

† 1st Journal Old Congress, 78.



into the same," to oppose the British troops.\* It then proceeded to appoint committees to prepare talks to the several tribes for engaging the continuance of their friendship and neutrality during the contest.\*

Three departments were created July 12th, for the regulation of the Indian affairs, and they were authorised "to treat with the different tribes in the name, and on behalf of the united colonies."†

In short, congress assumed the whole power which the crown had hitherto possessed over the Indian relations.

A treaty was made with the Six Nations in 1775.

The beginning of the next year provision was made for the permanent supply of the Indians with goods at the public expense; and all persons were prohibited from trading with them without a license from the Indian commissioners.‡

A few days afterwards, measures were adopted to promote the civilization and conversion of the aboriginals,§ and a resolution was passed prohibiting their employment in the continental armies, "without the formal consent of the national councils of their respective tribes, assembled in their customary mode."||

In the month of May succeeding, treaties were ordered to be made with the different tribes as soon as possible;¶ and on the 17th of September, 1778, after the framing of the articles of confederation, but long before their final adoption, a treaty was made with the Delaware nation, by which it was agreed "to invite any other tribes who have been friends to the interests of the United States, to join the present confederation, and to form a state, whereof the Delaware nation shall be the head, and have a representative in congress."††

This convention, made whilst the states were actually

\* 1st Journal Old Congress, 88.

† Ib. 113.

‡ Ib. 249.

§ Ib. 255.

|| Ib. 281.

¶ Ib. 241.

†† 1st U. S. Laws, 304.

ratifying the articles of confederation, is a contemporaneous construction of its provisions relating to the Indians, deserving particular notice. It shows, that the general government exercised the then unquestioned prerogative, of defining the limits, guarantying the possessions, and establishing the condition of Indian tribes within the undisputed limits of a state ; even to the extent of acknowledging their independence, and admitting them into the Union. (See Appendix C.)

This treaty was, it is true, made previous to the final ratification of the articles of confederation ; but it was at the moment when that ratification was daily expected, and ten states had already assented to them. Those articles enumerated, among the power of congress that, of “ regulating the trade and managing ALL affairs with the Indians not members of any state ; provided that the legislative right of any state within its own limits be not infringed or violated.”

This very guarded article was adopted after much deliberation, and was finally the result of compromise. In the first draft of the articles of confederation, there was no limitation, or exception to the power of congress. The sentence stood, “ managing all affairs with the Indians.”\*

In the committee of the whole the words “ not members of any of the states”† were added, and it was reported in that manner to congress.

In that body a motion was made, October 27, 1777, to strike out this addition, and to insert in its stead “ not residing within the limits of any of the United States.”

Another motion was made so as to read “ managing all affairs relative to peace and war with all Indians not members of any particular state ; and regulating the trade with such tribes as are not resident within such limits, wherein a particular state claims, and actually exercises juris-

\* Secret Journal, 1st vol. 281.

† Ib. 294.

diction.”\* The next day these proposed amendments were withdrawn, and the one introduced which now appears in the articles of confederation.

Under these circumstances, the treaty with the Delawares was made, and although the states at that time were engaged in the discussion of the articles, and these questions and distinctions were fresh in the public mind, no objection appears to have been made to the right of the general government, to make such a treaty, even then or at the time of their final ratification. Indeed, from the time when these articles were completed in congress, November 15th, 1777, until their ratification, March 1st, 1781, there seems to have been no dispute to the right of the general government, to the management of the Indian relations, and the state governments themselves often applied to congress for directions how to proceed, with regard to such tribes as were within their own limits. The assembly of Pennsylvania sent a committee to congress in May, 1777, for advice concerning the intrusions upon the Indian lands in that state; and congress resolved, (which was the method of legislation by that body,) that measures ought to be taken to quiet the Indians, by assuring them that they should have full satisfaction, by the removal of the intruders, or by compensation for the soil, at their option.†

So, too, when the government of Georgia, in October of that same year, made the same application on account of “the danger of an Indian war, being provoked by *the wantonness and indiscretion of several persons in that state,*” congress took the matter into consideration, and authorised the state to take the necessary steps to avert the impending evil.‡

More decisive measures were taken in relation to the In-

\* Secret Journal, 1st vol. 822.

† 2d Journal Old Congress, 142.      ‡ Ib. 297.

dians residing in the north-west territory ; and other questions arose subsequent to the adoption of the articles of confederation ; but as these are connected with the question concerning the limits of the provinces, it becomes necessary to recur to the history of that dispute.

In the last chapter, the titles of the several provinces to their boundaries were set forth in detail, and the different principles applicable to their various claims discussed. These claims to territory were not all set up at the commencement of the contest ; but were insisted upon, afterwards, when the nature of our government became more fully developed. In instituting the state government generally, no mention was made of the extent of the several states ; but they were referred to as they had previously existed when provinces. What their precise boundaries were, has been shown to have been very uncertain. The constitutions, therefore, which were then framed, were regulations for the conduct of the governors, rather than claims of territory—political instruments, and not descriptions of boundaries. Two states, however, departed from this rule, and thereby gave a rise to a question, which retarded the adoption of the articles of confederacy for nearly four years ; and, indeed, endangered the existence of the republic.

Virginia, in her constitution, inserted the following provision :

“ The territories, contained within the charters, erecting the colonies of Maryland, Pennsylvania, North and South Carolina, are hereby ceded, released, and forever confirmed to the people of these colonies respectively, with all the rights of property, jurisdiction, and government, and all other rights whatsoever, which might, at any time heretofore, have been claimed by Virginia, except the free navigation and use of the rivers Potomaque and Pokomoke, with the property of the Virginia shores and strands, bordering on either of the said rivers, and all improvements which have been, or shall be made thereon. The western and northern extent of Virginia shall, in all other respects, stand,

as fixed by the charter of king James I. in the year one thousand six hundred and nine, and by the public treaty of peace, between the courts of Britain and France, in the year one thousand seven hundred and sixty-three; unless, by act of this legislature, one or more governments be established westward of the Alleghany mountains. And no purchases of lands shall be made of the Indian natives, but on behalf of the public, by authority of the general assembly."

This was a vague assertion of title, and, in that moment of difficulty and distress, was not commented upon, possibly, because it was supposed to be made rather against Great Britain, than against the confederacy.

Shortly after, North-Carolina followed this example, and without noticing the formal cession made in the constitution of Virginia, of the territory within the Carolina grant, set forth her claim in the following manner :

"All the territory, seas, waters and harbours, with their appurtenances, lying between the line above described, and the southern line of the state of Virginia, which begins on the seashore, in thirty-six degrees thirty minutes north latitude, and from thence runs west, agreeable to the charter of king Charles, to the late proprietors of Carolina, are the right and property of the people of this state, to be held by them in sovereignty : any partial line, without the consent of the legislature of this state, at any time thereafter directed or laid out, in any wise notwithstanding : *provided always*, that this declaration of right shall not prejudice any nation or nations of Indians, from enjoying such hunting grounds as may have been, or hereafter shall be secured to them, by any former or future legislature of this state :—*And Provided also*, that it shall not be construed so as to prevent the establishment of one or more governments westward of this state, by consent of the legislature.

The other states, whose boundaries were indefinite, viz : Massachusetts, New-York, South Carolina, and Georgia, inserted no description of their limits in their constitutions. In these assertions of territorial rights originated the difficulties, which so long prevented the ratification of the old federal government.

The wise men who framed the articles of confederation,

convinced of the difficulty of then making any satisfactory arrangement, between the confederacy and the several states, as to the dividing lines between their respective territories, concluded to postpone the business to a more convenient season, and to leave all parties in possession of their rights. This resolution was adopted upon the most deliberate conviction that no amicable adjustment could then be made ; and after repeated attempts to devise some provision relating thereto, which would be acceptable to all. It was proposed in the original draft of the articles, that congress should have the power to limit and ascertain the boundaries of those colonies, which claimed to the south-sea, to erect the territory into new states. This clause was struck out in the committee of the whole, and though several other efforts were made to settle the boundaries of those states, or to fix upon some mode, by which they might be defined, they all proved abortive,\* and the articles were framed without any provision upon the subject.

This omission was intentional ; and upon mature consideration, it being fully understood that the rights of neither party were affected by it. Another attempt was afterwards made by the delegates of Maryland, in pursuance of instructions from their constituents, to appoint commissioners to determine this dispute. Upon this final trial, the vote stood as follows, June 23, 1778 :—

Ay.	No.
Rhode-Island,	New-Hampshire,
New-Jersey,	Massachusetts,
Pennsylvania,	Connecticut,
Delaware,	Virginia,
Maryland,	South Carolina,
	Georgia,
	New-York, divided.†

\* 1st Secret Journal, 812.

† Ib. 853.

This equal division upon so important a question, produced a conviction that an amicable adjustment of these claims must be left to another generation.

Notwithstanding this willingness to postpone the settlement of these difficulties to a more favourable moment; no disposition was manifested to yield the rights of the confederacy to any of its members.

In 1779, the government of Virginia, disregarding this determination of the national legislature; but acting in the spirit of the above extract from her constitution, opened an office for the sale of these unappropriated lands. The subject was immediately brought before congress, and the following resolution was introduced, and adopted by all the states then present, except Virginia and North-Carolina, in the negative, New-York divided.\* “Whereas the appropriation of vacant lands by the several states, during the continuance of the war, will, in the opinion of congress, be attended with great mischiefs; therefore,

Resolved, that if it be earnestly recommended to the state of Virginia, to reconsider their late act of assembly, for opening their land office; and that it be recommended to the said state, and all other states similarly circumstanced, to forbear settling or issuing warrants for unappropriated lands, or granting the same during the continuance of the present war.”

Congress did not confine itself merely to remonstrance; but ordered Col. Broadhead, to be stationed in the western country with a competent force to prevent intrusions upon that territory. In the execution of these orders, that officer in the month of October, 1779, being informed that certain inhabitants of Virginia had crossed the Ohio, and made improvements on the Indian lands, from the river Muskingum to fort McIntosh, and thirty miles up the Ohio, ordered them

\* 3d Journal, Old Congress, 385.



to be apprehended as trespassers and destroyed their huts.\* Information of this was immediately given to the governor of Virginia, and the next year, April 18th, congress resolved, that Colonel Broadhead should be supported in any act or order which the nature of his service had made, or should make necessary.† This assertion of title on the part of Virginia had now attracted the attention of some of the other states, and they insisted on an express stipulation in the articles of confederation, by which they might be effectually secured from these unreasonable claims.

Rhode-Island, New-Jersey, Delaware, and Maryland, in particular, protested against her claims to the western territory, and proposed amendments similar to those offered previously in congress. These amendments were disposed of in the same manner as the former, and the three first states, induced by the pressure of the war, acceded to the confederacy; but Maryland still refused, and, in May 21, 1779, her delegates presented to congress instructions from her legislature refuting the extravagant pretensions of Virginia, and directing them not to sign the articles of confederation, until they were relinquished. (Vide Appendix D.)

Maryland having apparently adopted this resolution with a determination not to recede from it; Virginia authorised her delegates to ratify the articles, although some of the states should refuse to join the confederacy; and Connecticut followed this example. In this manner the Union was brought to the brink of destruction—divided into two parts, by the determination of the most central state not to accede to the articles of confederation, so long as Virginia adhered to this claim; and Virginia pertinaciously insisting upon what she regarded as her rights: whilst the enemies of the country were exulting in the disorganization and distrac-

\* 3d Journal Old Congress, 386.

† Ib. 449.

tion prevailing in the states, and fondly expecting that the confederacy was on the point of dissolution.

At this critical moment, the state of New-York led the way to the removal of the difficulties, which prevented the ratification of the articles of confederation, by passing an act authorizing her delegates to limit and restrict the boundaries of the western part of the state, in such manner as they should think proper. To this step the people of that state were prompted, solely by a desire "to manifest their regard for their sister states, promote the general interest and security, and, more especially, to accelerate the federal alliance, removing, as far as it depends upon them, the sole impediment to its final accomplishment." The extent and value of this cession thus freely proffered to congress, will appear by a report of a committee, May 1st, 1782, to whom the claims of Virginia were referred.

Virginia, on her part, shortly after the instructions from the Maryland assembly were entered upon the journal of congress, presented a remonstrance of her assembly in behalf of her title, which was referred, together with those instructions and the act of New-York, to a committee of congress, which made the following report to that body, Sept. 6th, 1780:

"That having duly considered the several matters to them submitted, they conceive it unnecessary to examine into the merits or policy of the instructions or declaration of the general assembly of Maryland, or of the remonstrances of the general assembly of Virginia, as they involve questions, the discussion of which was declined on mature deliberation, when the articles of confederation were debated; nor, in the opinion of the committee, can such questions be now revived with any prospect of conciliation; that it appears more advisable to press upon these states which can remove the embarrassments respecting the western country, a liberal surrender of a portion of their territorial claims, since they cannot be preserved entire without endangering the stability of the general confederacy; to remind them how indispensably necessary it is to establish the federal union on a fixed and permanent basis, and on principles acceptable to

all its respective members ; how essential to public credit and confidence, to the support of our army, to the vigour of our councils and success of our measures, to our tranquillity at home, our reputation abroad, to our very existence as a free, sovereign, and independent people ; that they are fully persuaded the wisdom of the respective legislatures will lead them to a full and impartial consideration of a subject so interesting to the United States, and so necessary to the happy establishment of the federal union ; that they are confirmed in these expectations by a view of the before-mentioned act of the legislature of New-York, submitted to their consideration ; that this act is expressly calculated to accelerate the federal alliance, by removing, as far as depends on that state, the impediment arising from the western country, and for that purpose to yield up a portion of territorial claim for the general benefit ; Whereupon,

*“ Resolved, That copies of the several papers referred to the committee be transmitted, with a copy of the report, to the legislatures of the several states, and that it be earnestly recommended to those states, who have claims to the western country, to pass such laws, and give their delegates in Congress such powers, as may effectually remove the only obstacle to a final ratification of the articles of confederation ; and that the legislature of Maryland be earnestly requested to authorize their delegates in Congress to subscribe the said articles.”\**

On the 10th of October, 1780, this recommendation was reiterated in the following shape :

*Resolved, That the unappropriated lands that may be ceded or relinquished to the United States, by any particular state pursuant to the recommendation of Congress of the 6th day of September last, shall be disposed of for the common benefit of the United States, and be settled and formed into distinct republican states, which shall become members of the federal union, and have the same rights of sovereignty, freedom and independence, as the other states : that each state which shall be so formed shall contain a suitable extent of territory, not less than 100 nor more than 150 miles square, or as near thereto as circumstances will admit ; that the necessary and reasonable expenses which any particular state shall have incurred since the commencement of the present war, in subduing any British posts, or in maintaining forts or garrisons within and for the defence, or in acquiring any part of the territory that may be ceded or relinquished to the United States, shall be reimbursed :*

*“ That the said lands shall be granted or settled at such times.*

and under such regulations as shall hereafter be agreed on by the United States in Congress assembled, or any nine or more of them."

These recommendations, the urgent remonstrances of the French minister, and the example of New-York, produced the desired effects. The same month Connecticut passed an act of cession; and the 2d of January, 1781, Virginia followed her example. Neither of these acts was satisfactory; but they were, at least, indicative of a conciliatory spirit; and Maryland, on the 2d of February, authorised her delegates to accede to the confederation; but declared, at the same time, that by that accession the state did not relinquish any right which she had with the other states to the back country; and relied upon the several states to do justice in that matter.\*

On the 1st of March, 1781, the delegates of that state ratified the articles of confederation; and, on the same day, the delegates of New-York executed a deed of cession to the United States on the part of New-York of all her claims to territory west of a meridian line twenty miles west of the river Niagara, and north of the 45th degree of north latitude.

The general government now commenced its existence under a written constitution, with definite powers over the Indian affairs, and with certain indefinite and unsettled claims to the territory beyond the Apalachian mountains. Before this it had proceeded to act upon those claims, firstly, by vindicating their title against the encroachments of Virginia, and, secondly, by offering bounty lands, August 27th, 1776, to British deserters,† and to the soldiers and officers of the continental army, Sept. 18, 1776.‡

It afterwards declared, upon some misapprehension con-

\* 1st Secret Journal, 429.

† 1st Journal Old Congress, 456.

‡ Ib. 479.

cerning this last resolution, that the land was to be provided by the United States, not by the several states.\*

The articles of confederation having been completed, the efforts of the states were directed to the expulsion of the British armies, and the question concerning the western territory was laid over, until the month of October, 1781, when the subject was again agitated, in consequence of some proceedings of a committee, to whom had been re-committed the territorial cessions of New-York, Connecticut, and Virginia, and the petitions of the Illinois and Wabash, and Indiana companies. This committee had thought proper to examine into the claims of those companies, and to receive evidence concerning the property and sovereignty of the western territory. The delegates of Virginia refused to submit to any investigation into the title of that state; and, in order to suppress inquiry, made two several motions in congress on the 16th and 26th of October, prohibiting the committee to take cognizance of that subject. Both those motions were supported by the votes of Virginia, North and South Carolina, and Georgia, and negatived by the unanimous vote of the other states.†

This committee, November 3d, 1781, brought in their report, which appears in the journal, May 1st, 1782; and that part referring to the public claims is here inserted.

“Your committee do report, that, having had a meeting with the agents on the part of New-York, Connecticut and Virginia, the agents for New-York and Connecticut laid before your committee their several claims to the lands said to be contained in their several states, together with vouchers to support the same; but the delegates on the part of Virginia declining any elucidation of their claim, either to the lands ceded in the act referred to your committee, or to the lands requested to be guaranteed to the said state by Congress, delivered to your committee the written paper hereto annexed and numbered twenty:

“That your committee have carefully examined all the vouch-

\* 1st Journal Old Congress, 523.

† 2d Journal Old Congress, 677. 681.

ers laid before them, and obtained all the information into the state of the lands mentioned in the several cessions aforesaid, and having maturely considered the same, are unanimously of opinion, and do report the following resolutions :

**“ Resolved,** That Congress do, in behalf of the United States, accept the cession made by the state of New-York, as contained in the instrument of writing executed for that purpose by the agents of New-York, dated the       day of       last past, and now among the files of Congress ; and that the president do take the proper measures to have the same legally authenticated, and registered in the public records of the state of New-York.

“ The reasons that induced your committee to recommend the acceptance of this cession, are,

“ 1st. It clearly appeared to your committee, that all the lands belonging to the Six Nations of Indians, and their tributaries, have been in due form put under the protection of the crown of England by the said Six Nations, as appendant to the late government of New-York, so far as respects jurisdiction only.

“ 2d. That the citizens of the said colony of New-York have borne the burthen, both as to blood and treasure, of protecting and supporting the said Six Nations of Indians, and their tributaries, for upwards of 100 years last past, as the dependents and allies of the said government.

“ 3d. That the crown of England has always considered and treated the country of the said Six Nations, and their tributaries, inhabiting as far as the 45th degree of north latitude, as appendant to the government of New-York.

“ 4th. That the neighbouring colonies of Massachusetts, Connecticut, Pennsylvania, Maryland, and Virginia, have also, from time to time, by their public acts, recognized and admitted the said Six Nations, and their tributaries, to be appendant to the government of New-York.

“ 5th. That by Congress accepting this cession, the jurisdiction of the whole western territory belonging to the Six Nations, and their tributaries, will be vested in the United States, greatly to the advantage of the union.

**“ Resolved,** That Congress do earnestly recommend to the states of Massachusetts and Connecticut, that they do without delay release to the United States in Congress assembled, all claims and pretensions of claim to the said western territory, without any conditions or restrictions whatever.

**“ Resolved,** That Congress cannot, consistent with the interests of the United States, the duty they owe to their constituents, or the rights necessarily vested in them as the sovereign power of the United States, accept of the cession proposed to be made by the state of Virginia, or guarantee the tract of

country claimed by them in their act of cession referred to your committee.

**“ REASONS.**

“ 1st. It appeared to your committee from the vouchers laid before them, that all the lands ceded or pretended to be ceded to the United States by the state of Virginia, are within the claims of the states of Massachusetts, Connecticut, and New-York, being part of the lands belonging to the said Six Nations of Indians and their tributaries.

“ 2d. It appeared that great part of the lands claimed by the state of Virginia, and requested to be guaranteed to them by Congress, is also within the claim of the state of New-York, being also a part of the country of the said Six Nations and their tributaries.

“ 3d. It also appeared that a large part of the lands last aforesaid are to the westward of the west boundary line of the late colony of Virginia, as established by the king of Great Britain, in council, previous to the present revolution.

“ 4th. It appeared that a large tract of said lands hath been legally and equitably sold and conveyed away under the government of Great Britain, before the declaration of independence, by persons claiming the absolute property thereof.

“ 5th. It appeared that in the year 1763, a very large part thereof was separated and appointed for a distinct government and colony by the king of Great Britain, with the knowledge and approbation of the government of Virginia.

“ 6th. The conditions annexed to the said cession are incompatible with the honour, interests, and peace of the United States, and therefore, in the opinion of your committee, altogether inadmissible.

“ *Resolved*, That it be earnestly recommended to the state of Virginia, as they value the peace, welfare and increase of the United States, that they re-consider their said act of cession, and by a proper act for that purpose, cede to the United States all claims and pretensions of claim to the lands and country beyond a reasonable western boundary, consistent with their former acts while a colony under the power of Great Britain, and agreeable to their just rights of soil and jurisdiction at the commencement of the present war, and that free from any conditions and restrictions whatever.”\*

Several motions were afterwards made on this subject; but no further advance was made towards an adjustment of the difficulty, until the 25th September, 1782, when the

\* 4th Journal Old Congress, 21.



following resolutions were again passed by the unanimous vote of all the delegates in congress, except those from Virginia, Georgia, and North and South Carolina.

“ 1st. That if the several states claiming the exclusive property of the western lands, would make cessions to the United States, agreeable to the recommendation of Congress of the 6th day of September, 1780, and the resolutions of Congress of the 10th of October, 1780, it would be an important fund for the discharge of the national debt.

“ 2d. That therefore, it be recommended to those states which have made no cessions, to take the above recommendation and resolutions into consideration as soon as possible, and determine thereon.

“ 3d. That it be recommended to those states which have made cessions not entirely agreeable to the above recommendation and resolutions, to re-consider the same, and send the result to the United States in Congress assembled.”\*

These recommendations were reiterated on the 18th April, 1778, in certain resolutions relative to the extinguishment of the public debt, and on the 4th of the succeeding June, the Virginia cession was again referred to a committee, to report upon the proposed cession, without deciding upon the title of the state.† This reference excited the alarm of the New-Jersey legislature, and a remonstrance was forwarded by that body to congress within ten days after that reference, expressing their hopes that the cession of Virginia might not be accepted,‡ unless it was more liberal.

The committee to whom the reference had been made, consisting of Messrs. Rutledge, Ellsworth, Bedford, Gorham, and Madison, men ranking among the ablest and most judicious members of congress, made a report, reciting the conditions of the Virginia cession, viz :

1st. That the territory north-west of the Ohio, which was the tract ceded, should be laid out into republican states of certain specified dimensions, which were to be

\* 4th Journal Old Congress, 82.

† Ib. 227, 231.

‡ Ib.

admitted into the Union, with the same rights as the other states.

2d. That Virginia should be reimbursed by the United States her expenses in reducing the British posts, and all other expenses incurred on account of the north-west territory during the war.

3d. That the inhabitants of Kaskakies, St. Vincent, and the vicinity, should be secured in their possessions, and protected by the United States.

4th. That one hundred and fifty thousand acres in such part of the north-west territory as the officers should select, should be granted to the soldiers and officers engaged in the expedition under colonel Clarke, against the British post in that country.

5th. That certain bounty lands promised to the Virginia troops in the continental service, which were to be located in the north-west territory, in case of any deficiency in the quarter to which they were first to resort, should be granted to them in the event of that contingency.

6th. That all the remaining territory, not disposed of in bounties to the American army, should be considered a common fund, for all such states as had, or might, become members of the union.

7th. That all Indian purchases, which had been, or should be, made for the use of private persons, and all royal grants inconsistent with "the chartered rights, laws, and customs of Virginia," should be declared void.

8th. That all the territory south-east of the Ohio, included between the boundaries of Pennsylvania, Maryland, and North Carolina, to the Atlantic, should be guaranteed to Virginia by the United States.

The first condition the committee decided to have been provided for by the act of congress, October 10th, 1780.

The second condition was also considered to have been provided for in the same act; but, in order to adjust the ac-

count of such necessary and reasonable expenses as came within its true intent and meaning, it was agreed to appoint three commissioners for that purpose. The settlers described in the third condition, the committee thought, ought to be protected in their possessions, rights, and liberties.

It recommended that congress should agree to the fourth, fifth, and sixth conditions, and deemed it improper to declare the purchases void, as required by the seventh condition.

The report of the committee upon the eighth condition, is as follows :

“As to the last condition, your committee are of opinion, that congress cannot agree to guarantee to the commonwealth of Virginia, the land described in the said condition, without entering into a discussion of the right of the state of Virginia to the said land; and that, by the acts of congress, it appears to have been their intention, which the committee cannot but approve, to avoid all discussion of the territorial rights of individual states, and only to recommend and accept a cession of their claims, whatsoever they might be, to vacant territory. Your committee conceive this condition of a guarantee, to be either unnecessary or unreasonable; inasmuch as, if the land above-mentioned is really the property of the state of Virginia, it is sufficiently secured by the confederation; and if it is not the property of that state, there is no reason or consideration for such guarantee.”

The committee concluded by recommending that if Virginia should make a cession conformable to their report, congress should accept it.

This report was agreed to by all the states except New-Hampshire, New-Jersey, and Maryland; and the legislature of Virginia passed an act accepting of the terms of compromise offered therein, and authorised their delegates to prepare a deed of cession accordingly. This was done, and on the first of March, 1784, the state of Virginia ceded its title to the north-west territory to the United States, upon the terms prescribed in the report of September 13th 1783.

Whilst this compromise was going on with Virginia, the United States were negotiating the terms of peace with Great Britain. Among the unsettled questions between these contending powers, the boundary line between their respective possessions, formed an important item of discussion. The commissioners of the United States at Paris, were of course instructed to maintain the title of this republic to as large a tract of territory as they could obtain. Great Britain, on her part, contested this title ; but the arms of the allies had then obtained the ascendancy, and she was compelled to yield to most of their demands.

In establishing the title of the United States, all the different rights which any of the states conceived they had acquired under the royal charters, by legislative acts, Indian purchases, occupation of the colonists, expenditure of blood and treasure in reclaiming and maintaining the country, and reducing the British posts, were brought forward, and strongly insisted upon. The negociators, however, conceived themselves justified in departing from the boundary line prescribed by congress, which originally took in a large part of Canada, south of the 45th degree of north latitude,\* as part of the States of New-York, and Massachusetts. The line which was finally agreed upon in the provisional treaty, of November 30th, 1782, ran up the river St. Lawrence, beginning at the point where it was intersected by the forty-fifth degree, into Lake Ontario, and up the usual water communications through Lake Erie, Huron, Superior, Long Lake, Lake of the Woods, to the northwest point thereof ; and thence due west to the river Mississippi, down said river to the thirty-first degree of north latitude, and thence along the boundary of the Floridas, as prescribed in the proclamation of '63. By this line, a large portion of territory comprehended within the terms of the charter of Massachusetts, and clearly within the province

\* Vide 2d Secret Journal, 226.

of New-York, before the passage of the Quebec act, was left out of the limits of the United States. Another fact connected with this boundary, deserves to be mentioned, not only from the singular character of the transaction, but because it bears directly upon the question, which afterwards arose between Georgia and the United States.

By a separate and secret article, which there is good reason to believe, was attached to this provisional treaty, it was agreed, that, in case Great Britain should succeed in retaining the Floridas, the southern boundary of the United States should be limited by the northern boundary of those provinces as set forth in the recommendation of the board of trade, dated March 23d, 1764, viz: by a line running due east from the mouth of the Yazoo river, to the river Apalachicola; but if she should be compelled to cede them to Spain, then it was to run as described in the treaty.\* By this arrangement, the sovereignty of the territory between the 31st degree, and 32, 30, north lat. was to depend upon the contingency of the cession of the Floridas, and, as they were ceded to Spain, it was added to the United States. The boundary line in the treaty of 1782, was afterwards confirmed by the treaty of peace, of '83, and the title of Great Britain to all the territory within these limits transferred to the United States, in their confederated character.

On the 29th of April, 1784, the states which had not ceded their claims to the western country, were again urged by congress to make the necessary cessions, for the purpose of relieving the public burthens. The question as to the character of those claims again recurred, and all the states, except Virginia and North and South Carolina, were unanimous in characterising them merely as claims. One delegate from Virginia, the venerable author of the declaration of independence, concurred in this vote.†

\* 4th Secret Journal, 800.

† 4th Journal Old Congress, 291.

Georgia and Delaware were not present at the passage of this resolution.

The legislature of Massachusetts, in conformity to this recommendation, November 13th, 1784, authorised her delegates to cede the title of that state, to all territory west of the western boundary of New-York, to the United States, without condition.\*

Her delegates accordingly proceeded to execute their trust, and with a patriotic foresight, which will forever redound to his honor, one of them, Mr. Rufus King, introduced, March 16th, 1785, a resolution, by which the prohibition of slavery was made a fundamental article of compact between the United States and the north-western states, and afterwards they executed the deed of cession, conveying the claim of Massachusetts to the confederacy.† The decision of the resolution respecting slavery was similar to the other votes upon the cession of territory. Virginia, Georgia, North and South Carolina, in the negative, and the other states in the affirmative.‡

The only claim to the north-west territory, not then ceded to the United States, was that on the part of Connecticut; and this, although strongly insisted upon by that state, was never regarded as a title entitled to much consideration. The western boundary of Connecticut had been so clearly defined in her agreement with New-York, that all her claim beyond that state was supported upon very untenable grounds. Still, however, it was the claim of a state, and as such, the national government felt desirous of extinguishing it. In the month of May, 1786, the Connecticut legislature authorised her delegates to cede to the United States, all her right to the lands lying west of a meridian line, 120 miles west of the western boundary of Pennsylvania. As it was at first thought, that by accepting this

\* 4th Journal Old Congress, 500. † *Ib.* ‡ *Ib.* 481.

partial cession, the title of Connecticut to the part not ceded, would be admitted, congress refused to accept it; but afterwards it consented by the votes of all the states, excepting Maryland, to accept the cession.\* A deed of cession was accordingly executed, September 13th, 1786, and the claims of all the states to the north-west territory extinguished, excepting to the tract called the Connecticut reservation.

This tract was speedily settled by emigrants from that state, claiming under its grants; and the general government, finding a great number of settlers in possession of the land, with that regard for the harmony of the country which has invariably characterized its proceedings, offered, by an act of congress, passed April 28th, 1800, to issue letters patent granting the property in the soil to the governor of Connecticut, in trust for the grantees of that state, provided she relinquished her claims of jurisdiction within eight months.† This offer was accepted, and the question as to the property and sovereignty of the north-western territory finally settled.

The settlement of the right to the south-western territory beyond the Apalachian mountains was attended with greater difficulties: as the subject was not only more complicated in itself; but was rendered still more so by the subsequent proceedings of the legislature of Georgia.

This territory was occupied by large and powerful tribes of Indians, completely independent; among which the Creeks, Chickasaws, Cherokees, and Choctaws, were particularly distinguished. These savage nations extended over a large tract of country, which they occupied for hunting grounds, without any definite boundaries; and in many instances, their claims interfered with each other—two or more tribes claiming the same territory.

\* 4th Journal Old Congress, 648.

† 2d U. S. Laws, 364.



To the greater part of this tract the United States and Spain both laid claim; and, in fact, to the ultimate dominion of certain, but of different portions, each had a right. The boundary line between their possessions ran through this Indian territory, and a serious dispute arose as to where this line should be fixed.

Spain claimed, as part of West Florida, all south of the east line from the mouth of the Yazoo river, and as part of Louisiana, a large tract of country east of the Mississippi, the boundary of which was to be ascertained by negotiation.

The United States resisted this claim, and insisted upon the boundary prescribed by the treaty of 1783. In order to strengthen her title, Spain concluded treaties, in June, 1784, with the Chickasaw, Choctaw, and Creek nations, by which the former acknowledged the Spanish title, to the territory within the boundary claimed by that power, and promised to support it in its right thereto. Alexander M'Gillivray, the principal chief, acting in behalf of the Talapuches, Seminoles, Alibamas, Cahuitas or Cowetas, and other tribes, composing the greater part of the Creek nation, entered into a treaty at the same time with the representatives of the king of Spain, by which the Creeks acknowledged themselves to be his subjects and vassals; promised to obey his orders and laws, and to live in peace with the other Indians, "for the purpose of promoting commerce and agriculture."\* By this treaty they were guaranteed in their landed possessions by the Spanish crown; and other lands were promised them in case of their violent expulsion by their enemies.

The treaty-making power in these tribes, as in most other Indian nations, was vested in the principal men. No particular number was necessary to make a treaty; inas-

\* 10th State Papers, 225.

much as its binding force upon the Indian tribes, in some measure, depended upon the influence of those who supported it. If their power in the nation was greater than that of the dissenting party, its provisions were complied with. But if its conditions were unacceptable to the majority of the nation, the making a treaty often produced a war, either among the Indians or with the whites. In general, however, the aborigines conformed to their agreements, and almost always, when made by a national council properly called. Among the Creeks this national council was composed of the principal chiefs or representatives of the tribes, and even of towns. Their government, similar to that of all barbarous tribes, was of undefined powers. Formerly it was in the nature of a confederacy between tribes, nearly equal, and owning hunting grounds, to some of which particular tribes were acknowledged to have a separate title ; while the title of the nation in its confederate character covered the rest.

During and subsequent to the American revolution, however, they assumed more of a national character ; and, as a distinct people, entered into treaties with the two powers which claimed the right of preemption of their territory. Mc Gillivray, as their head chieftain, possessed the greatest influence with the tribes, and to him chiefly, they confided the management of their foreign relations ; and by his influence they were guided in their choice of foreign alliances. It was by him that the treaty with Spain was made in 1784.

The year before the conclusion of that treaty, the state of Georgia, which, during the war, had made no claim nor pretension to the western lands ; but as an exposed and frontier state, had submitted its fate, and its limits, to the discretion and generosity of congress, set up a claim to the territory which now forms the states of Mississippi and Alabama.

The war with Great Britain, after the capture of Cornwallis, became merely an effort on the part of our opponent, to retain, as colonies, the two southernmost states.

Georgia, being the weakest and most exposed, was constantly soliciting assistance from congress, and it was liberally afforded. She was excused from paying her quota for the common defence. Money was advanced to her at divers times ; and congress unanimously resolved not to consent to a peace, until the independence of Georgia and South-Carolina was acknowledged. After the provisional treaty of peace had been made, and the limits of the United States defined, viz. February 17th, 1783, the legislature of Georgia passed an act, claiming all the territory south and west of the South-Carolina boundary, and opening a land office.

This was the commencement of the contest with Georgia, as to the powers of the confederacy, and the ground then taken by the authorities of that state, as to its peculiar privileges, was not only destructive to the rights of the union, but also to the rights of the several states.

In the month of May succeeding this declaration of her boundaries, her executive proceeded to enter into treaties with certain Creek and Cherokee chiefs, defining the line between the Indian lands and the white settlements. Two years afterwards, November 12th, 1785, these chiefs, with some others, undertook to agree to the treaty of Galphinton, by which they acknowledged, in the first article, " that the said Indians, for themselves and all the tribes or towns within their respective nations, within the limits of the state of Georgia, have been, and now are, members of the same, since the day and date of the constitution of that state."\*

Whether this provision was intended as an offset to the treaty concluded the year before, by Mc Gillivray, with

\* Digest of Georgia Laws, 607.

Spain, we cannot tell; but certain it is, that the treaty of Galphinton gave great dissatisfaction to the Creek nation, and brought on hostilities between them and the people of Georgia. The next year, the state authorities attempted to settle these difficulties, by a treaty concluded at Shoulderbone,\* with a portion of the Creeks; but as the boundary defined in the Galphinton treaty, by which certain lands near the Oconne were ceded to the whites, was still adhered to, the discontent of the Indians was not diminished. All these proceedings of the state authorities were, according to their own peculiar construction of their state rights, but contrary to the spirit of the confederacy, and the unquestionable prerogative of the general government. Even supposing that the right of Georgia to the territory occupied by the Creeks had been undisputed, still it would have been only acting conformably to the example of many older and more powerful states, to have applied to congress for its concurrence and co-operation in the contemplated treaties. The application of Pennsylvania, in 1783,† relative to a treaty to be formed with the Indians inhabiting the back part of that state, afforded a precedent, which might have been adopted without detracting from the dignity or patriotism of her younger sister, if her limits had been defined, and her rights indisputable. But they were not.

The state of South-Carolina claimed all the territory south and west of a line drawn from the head of St. Mary, to the head of the Alatamaha, and thence west to the Mississippi, as within her chartered limits.

To all the land west of the Appalachian mountains, the United States laid claim, as beyond the western boundary of the British provinces, and consequently a conquest from Great Britain by the common efforts, and expenditures of all the members of the Union. This claim was sustained

\* Digest of Georgia Laws, 607.

† 4th Journal Old Congress, 274.

upon the same principles, as the right of the Union to the north-west territory. Congress showed too, that when the Georgia charter was given, this territory was occupied by the French, who held forts extending from Mobile bay, nearly to the northern boundary, described in that charter ; and appealed to maps, to prove that Georgia did not extend beyond the mountains. The proclamation of '63, after its cession by the French, and the decisions of the Boards of trade, as well as the total absence of all legislative proceedings on the part of the state, until after the provisional treaty with Great Britain, were also relied upon to disprove the claim of Georgia.

To another part of this territory, viz : to that south of the parrallel of latitude, from the mouth of the Yazoo river to the Apalachicola, the United States asserted their right, as a cession of a portion of West-Florida. It had been annexed to that province, pursuant to the recommendation of the board of trade, after the last extension of the limits of Georgia, and by virtue of that royal prerogative, which had augmented the boundaries of that state. It had afterwards been comprehended in a secret article attached to the treaty with Great Britain, by which its cession to the United States depended upon the contingency of the cession of the rest of Florida to Spain. This contingency happened, and as part of Florida, its cession to the United States became complete.

Under these circumstances, the formation of these treaties with independent tribes of Indians, was an interference by Georgia, with the prerogative of the national government, destructive to all its rights, and to all distinction between internal and external relations. It was so regarded by congress at the time ; but that body, with its customary discretion, sought to avoid any direct collision with the state governments, by pressing upon them a compliance

with the resolutions recommending cessions of their claims to the western territory.

The legislature of North-Carolina, on the 2d of June, 1784, had passed an act of cession of the western territory with certain conditions, which gave to the United States a right to accept the same within a year. Before the expiration however of the year, it repealed that act, and it was proposed in congress to accept the cession made by the first act, notwithstanding the repeal.\* A disposition to obtain the rights of the Union by persuasion, rather than by coercion, still predominated, and congress contented itself with recommending to North-Carolina to follow the examples of New-York, Virginia, and Massachusetts, in relation to the territory ceded by their act of June 2d, 1784.†

The legislature, however, did not comply with this recommendation, and no cession was obtained from that state, until after her accession to the federal constitution, in 1789.

South-Carolina, in 1785, made a cession of its claim to a small strip of land west of Tugaloo river. This cession, however, was of but little importance, and is merely enumerated to preserve the chronological order of these acts. The same year she ceded to Georgia the residue of her claims to the western territory. Georgia took, as yet no steps for the extinguishment of her pretensions; but adhering to her claims, according to her own statutes and treaties, produced disturbances on the part of the southern tribes, to such a degree, as to expose the country to a general Indian war. In this crisis, congress was applied to, to interfere with the power of the nation, to repress the Indians, who then were in a state of great excitement.

The whole business was referred to a committee, which, August 3d, 1787, brought in a report censuring the conduct

\* 4th Journal Old Congress, 523.

† Ib. 525.

of Georgia, with regard to the Creeks ; imputing the disturbances to unjust encroachments on the part of the whites ; maintaining the right of congress to control those subjects. and resolving that Georgia be informed that congress would not employ the power of the Union to sustain a cause, of the justice of which they were not convinced ; nor interfere in behalf of a state against an independent tribe, unless congress should have the sole direction of the war, and the right to regulate the terms of peace. (Vide Appendix E.)

On the 20th of the succeeding October, congress again urged upon the states of North-Carolina and Georgia, "*to justify that confidence which had been placed in them,*"\* by making cessions similar to those made by the other states. This guarded expression fully showed the opinion then entertained of the propriety of those claims, and probably. nothing but the comity with which congress felt disposed to treat the members of the confederacy, prevented that body from taking some decisive steps for the ascertainment of its rights. The same tone is to be seen in a resolution passed the year before, recommending similar cessions to the same states, together with South-Carolina.†

Those states are there "once more solicited to consider with candour and liberality, the *expectations* of their sister states," and to comply with the *reasonable* proposition of the 6th of September, 1780.

Nothing, however, was done, by either Georgia or North-Carolina, towards the adjustment of these difficulties, until after the framing of the federal constitution, and its ratification by the state of Georgia, January 2d, 1788.

By this instrument, the states were prohibited from entering "into any treaty or alliance ;" but the treaty-making power was confided exclusively to the general government. This grant of power comprehended all agreements with the Indians ; and in another part of the constitution congress

\* 4th vol. Journal Old Congress, 800.

† Ib. 680.



was authorised to regulate commerce with the Indian tribes. These two clauses were intended as an equivalent to the provision in the articles of confederation ; by which congress was invested with the power “ to regulate the trade and to manage all affairs with the Indians, not members of any state ; provided that the legislative right of any state within its own limits, be not infringed or violated.” All our intercourse with the Indians, so long as they continued to be independent, was in the way of trade, or in making treaties, and these were placed under the control of the general government. It was not contemplated, under either system, that congress should have any legislative power over the Indians ; but that it should have the exclusive power to regulate the trade, and to make treaties with them. So long, therefore, as they were independent, and proper parties to treat with, congress was invested with the power to manage our relations with them ; but when they lost that character, and became members of a state, they fell under the power of the local government, and congress, from that moment, ceased to interfere with them. In the old articles of confederation, there was ground for dispute ; because the prohibition of making treaties, by a member of the union, was expressed thus—“ with any king, prince, or state ;” but, in the federal constitution, as congress is solely invested with the treaty-making power, and that of regulating commerce with the Indians, the instant an Indian tribe loses its distinct and independent character, congress ceases to have any pretence to interfere with it ; and it becomes the subject of local legislation.

Several attempts were also made in the convention, which framed the federal constitution, to provide some method of determining upon the claims of the United States, and the several states, to vacant territory ;\* but as a sufficient number of impediments already existed, to the formation of a

\* Journal of the Federal Convention, 309.

national government, it was finally concluded to leave the subject as they found it; reserving to all parties their respective rights. A provision was accordingly inserted, giving power to congress "to make all needful regulations respecting the territory of the United States;" and it was declared, that "nothing in this constitution should be construed so as to prejudice any claims of the United States, or of any particular state."

After the state of Georgia had agreed to the constitution, the legislature passed an act ceding part of the claim of the state, to the United States, upon certain conditions. This act was passed February 1st, 1788. The part to which the claim was ceded, was a tract of one hundred and forty miles wide, extending from the Apalachicola to the Mississippi. As the southern boundary of the part ceded was the thirty-first degree, it consequently comprehended all that tract to which the United States had already an unquestionable claim, as part of West-Florida, being about one hundred miles in width, and of equal length to the whole tract purporting to be ceded. For this incomplete and inconsiderable cession, Georgia demanded that the United States should guarantee to that state, all the remaining territory claimed by her; and that the sum of \$171,428, which had been spent by the state, in the management of her Indian relations, should be allowed as a charge against the United States, and admitted in payment of a specie requisition upon the states, by congress. Other conditions were inserted, respecting a republican government for the said territory, the free navigation of its rivers, and the allowance of such expenses as the state might be put to in her defence. These conditions were all unnecessary; having been already provided for by congress.

This act of cession was referred to a committee, which brought in, July 15th, 1788, a report, declining to accept

the cession: 1st, because a large tract of country extending to the Mississippi, was retained by Georgia, which would diminish the value of the tract in question. 2dly, because the demand of the specie allowance was unjust, especially as the state was already a debtor to a large amount loaned. 3dly, because congress had invariably refused to guarantee territorial rights to any member of the confederacy.\*

Under these circumstances, the federal constitution went into operation with the assent of eleven states. Rhode-Island and North-Carolina, refusing to ratify it, and in consequence of that refusal were placed, in their commercial intercourse, with the rest of the union, upon the same footing, in some respects, with foreign powers.†

North-Carolina, very shortly after the passage of these laws, viz. 21st November, 1789, ratified the Federal Constitution, and a few days afterwards her legislature passed an act, ceding to the United States all the claim of the state to the western territory beyond her present boundary, upon condition‡ that the land ceded, and its inhabitants, should not be enumerated in ascertaining the quota of the state to the public debt, but that they should be made liable for their own proportion thereof, and also for their proportion of the arrears of North-Carolina—that the lands promised to the soldiers of the North-Carolina line by the legislature, and all land entries or grants legally made under the land laws of the state, should be made good, as if no cession had been made—that the cession be accepted by congress within 18 months—that the lands of non-residents should not be taxed higher than those of residents—that the people residing between the Tennessee and Big Pidgeon, should be permitted to enter their pre-  
 > emptions, provided an office were authorised by the state

\* 4th Journal Old Congress. † 2d United States' Laws, 31. 53.

‡ 2d U. States' Laws, 86.

—It was also prescribed that the lands should be considered a common fund, and be governed as the north-west territory, with the single exception that slaves should not be emancipated. The senators of the state, February 25, 1790, executed a deed of cession upon those conditions, which was accepted by congress, and the right of North-Carolina, whatever it was, became thus vested in the United States.

Whilst the general government was engaged in making this compromise with North-Carolina, the state of the relations with the Creek Indians also received its earnest attention. Commissioners on the part of the United States were appointed by president Washington to inquire into the causes of the Indian disturbances. These commissioners performed their duty, and made their report upon the whole matter, together with their opinion, that the treaties of Georgia with the Creeks, (which then were generally reported to have been fraudulently made,) were, for aught they could discover, made “with as much substantial form, and apparent good faith and understanding of the business, as Indian treaties have usually been conducted, or perhaps can be, where one of the contracting parties is destitute of the benefits of enlightened society.”

In making this report, the commissioners did not perhaps advert to the fact, that in agreements between parties of this description, the fairness of the bargain depends, rather upon the disposition of the party enlightened by civilization to do justice, than upon “*substantial form and apparent good faith.*”

However, this may be, certain it is, that General Washington ordered another treaty to be made with the Creeks, and a treaty was accordingly made at New-York, August 7th, 1790,\* with the representatives of the Creek nation, and

\* 1st United States' Laws, 359.

among others, McGillivray, by General Knox, the then secretary of war. In this treaty, a boundary line between the Creeks and white settlements was agreed to, not altogether in conformity with the line prescribed in the treaty of Galphington ; but as much so as the Creeks would consent to, and the United States promised to guarantee to the Creeks, their lands according to the defined boundaries, and to promote their civilization, by furnishing them with domestic animals and agricultural implements. The Creeks within the limits of the United States, on their part acknowledged themselves to be under the protection of the United States, and stipulated not to hold any treaty with any *individual state*, or with any individuals of any state. They also disclaimed the protection of all other sovereigns.

This treaty was censured by the legislature of Georgia, in resolutions passed November 26th, 1790, and a portion of the citizens of that state undertook to disregard it, and entered the Indian territory with an armed force.

This conduct was afterwards justified by a jury of that state, upon the ground that the treaty of New-York was unconstitutional, being a violation of state rights. Its results were however, highly injurious to the public interests. The Creeks, already, strongly inclined to a Spanish alliance, were provoked by this violation of a treaty just concluded : and in that state of excitement, they were persuaded by an adventurer named Bowles, and a Spanish agent called Olivar, to disown the treaty of New-York, and to enter into hostilities with the frontier settlers of Georgia. In this, they were secretly supported by the Spanish authorities in the neighbouring provinces, who supplied them with arms and munitions of war, This course of conduct was adopted in the expectation, that finding it difficult to quiet savages, the United States would be less unwilling, to admit the pretensions of Spain to the greater part of the territory occupied by them. As a mediator between

us and the Creeks, she hoped to be able to circumscribe our southern boundary.

In this attempt she was defeated. The executive of the United States, would not depart from the boundary prescribed by the treaty of peace with Great Britain; and after a long and tedious negotiation, in which our minister was finally compelled to demand his passports, Spain acceded to a treaty, October 27th, 1795, recognizing the boundaries of the United States, and both parties mutually agreed not to enter into treaties with the Indians, not residing in their respective possessions.

After the conclusion of this treaty, the pacification of the Indians was easily affected. In 1796, June 20th, a treaty was concluded with the Creeks at Coleraine,\* confirming the treaty of New-York; providing for running the boundary line, and for furnishing the Creek with blacksmiths as pioneers of civilization. Congress the same year passed, a statute declaring the boundary line between the United States and the Indian tribes, according to the different treaties, and prohibiting any encroachment or entry upon their lands without a passport. By these treaties, the question between the United States and Georgia, as to the western territory, was much simplified; and the rights of each could have been easily ascertained by parties mutually inclined to an amicable settlement; if the legislature of Georgia had not again involved the business in difficulty by consenting to the celebrated Yazoo contract,

In the year 1795, the legislature of that state, corrupted by certain land speculators, conveyed to four companies the greater part of the territory in dispute between Georgia and the United States.

To the Georgia Mississippi Company, it conveyed most of the territory west of Tombeckbe river, comprehended

\* 1st United States' Laws, 368.

in the secret article of the provisional treaty of '82, and ceded to the United States as part of West-Florida. This tract was 200 miles long and about 82 miles broad, being about one-fourth of the present state of Mississippi. To the Georgia company it conveyed another portion of the ceded part of Florida, and a large tract above the limits of that province, being a parallelogram 300 miles long and about 100 miles wide, besides a triangle 50 miles in length at the base, and 100 miles from the base to the opposite angle. To the Tennessee and to the Upper Mississippi companies were ceded two tracts—one about 150 miles long and 50 miles wide; the other about 125 miles long and 25 in width, being about two-thirds of all the country claimed by Georgia under the charter of 1732, beyond her present limits.

Altogether the cessions to the Yazoo purchasers, as they were called, comprehended 35,000,000 acres of land, about four-fifths of all the western territory to which that state laid any claim. It should be recollected, that to all this territory the United States also laid claim; and to one tract about 100 miles wide and 360 miles in length, their title was incontrovertible, and yet this territory the legislature of Georgia undertook to convey to individuals.

It is true that no doubt could exist of the corruptness of that legislature, but still it had, in the exercise of its constitutional powers, conveyed away the title of the state. This legislature was chosen too, by the people of Georgia, when it was generally known that an application would be made to that body, to dispose of the western lands, and the inducements for the sale were spread before the voters at the time of the election.

Directly after the passage of this act, the prime movers in the business, in order to prevent its repeal and to engage an extensive interest in its support, began to sell shares in the companies, to bona fide purchasers in different parts of



the union, before the manner in which the contract had been obtained became generally known. In Georgia, however, great excitement prevailed. The members who had opposed the passage of the law, upon their return to their constituents, informed them of the corruption that prevailed in the legislature, and universal indignation was manifested at their treachery. Some of the delinquents were put to death, and others fled from the state to avoid the popular rage. The next legislature declared the contract void, and in 1798 a new state constitution was framed, in which a declaration of boundaries was inserted, claiming, in behalf of the state, all the territory west of South-Carolina, and south of the south boundary of the tract ceded to the United States by that state. All this tract was declared to be the property of the free citizens of Georgia, and inalienable but by their consent. Provision was, however made for a sale to the United States by the legislature of all west of the Apalachicola, and for the return of the money paid to the state by the Yazoo purchasers.

The propriety and dignity of these proceedings on the part of the state government do not now come in question. How far it could be properly alleged that the representatives of Georgia had been corrupted ; that the sovereign power for the time being had proved faithless to itself, are questions of deep moment, and highly proper for the consideration of the historian of that state.

These are questions, however, which could only be mooted between the state and those who were actually concerned in corrupting its legislature ; and their decision could not affect the bona fide purchasers from the original grantees. They denied, and with good reason, the power of a succeeding legislature to deprive them of their vested rights, and threatened to bring the matter before the judicial tribunals for adjudication.

This was afterwards done in the case of *Fletcher vs. Peck*. This was a case stated for the decision of the Supreme Court of the United States, reported 6th Cranch, 87.

Many material facts invalidating the title of Georgia were there omitted ; but the question as to the right of the legislature to annul the contract, so as to deprive innocent purchasers of their vested rights, was distinctly presented to the court, and decided in favour of the purchasers. So far, therefore, as Georgia had a title to the lands, thus vested in the bona fide holders of Yazoo shares, it had conveyed it away by the act of its legislature.

In this state of affairs, congress found it necessary to take measures to secure the rights of the United States, and on the 7th of April, 1798, an act was passed erecting the tract above alluded to as comprehended within the secret article, into a territory, and establishing a government for the same.\*

With a title thus complicated, and embarrassed by the claims of the Union and of its own grantees, it was obvious that but little could be done by the state of Georgia. The state government, therefore, entered into a negociation with the general government for a cession of its claim, and, in 1802, concluded the celebrated agreement, by which its title was finally extinguished.

The terms of this agreement are as follows, viz :

Georgia ceded all her claim to the lands beyond her present western line, upon condition,

1st. That the United States should pay to that state \$1,250,000 out of the first net proceeds of the lands ceded, on account of the expenses to which it had been put in relation to that territory.

2d. That all persons settled before October 27th, 1795,

\* 3d vol. United States' Laws, 39.

within that territory, under British or Spanish grants, or claiming under an act of the Georgia legislature, passed in 1785, laying out a county by the name of Bourbon, should be confirmed in their possessions.

3d. That all the lands ceded should be a common fund, excepting 5,000,000 acres, which the United States, before twelve months had elapsed after the assent of Georgia to that agreement, might appropriate for the purpose of satisfying the Yazoo claimants.

4th. That the United States should, at their own expense, extinguish for the use of Georgia the Indian title to all the lands within the state, "as early as the same could be obtained on reasonable terms."

5th. That the territory ceded should be admitted into the Union as a state as soon as expedient, and that it should be governed as the north-west territory, with the exception that slavery should not be prohibited.

The United States accepted of this cession upon these conditions, and on their part, ceded to Georgia all their claim to the territory east of the boundary line described in the agreement, and not lying within any other state. Upon these terms the claim of Georgia was ceded to the United States; and \$5,000,000 were afterwards paid to the Yazoo purchasers, upon the relinquishment of their claims, both to the land, and to the money paid by them into the Georgia treasury. This amount was debited to the state as part of the \$1,250,000 due under the above agreement.

Until this agreement, the general government had invariably refused to make any payments, or to extinguish any Indian title for the benefit of a particular state. It had been liberal to all states claiming vacant lands, in assenting to their reservations, and confirming their grants made under the impression that their title was good. But whilst it freely consented to these sacrifices for the sake of harmony, and out of delicacy to the state governments, it steadily

withheld all assent to the validity of their claims. Even in this agreement, the payment to Georgia, was made upon the ground, that the state had expended that sum in relation to the ceded territory, and not to purchase its title. The payment of the Yazoo claim, was also a sacrifice at the shrine of public peace, and to quiet the clamour at the inconsistent course of the Georgia legislature. Whether the agreement to extinguish the Indian title, was not made in order to take away all future pretence on the part of the state to interfere with an independent Indian nation, is worthy of consideration. The guarded wording of that provision, demonstrates that the United States were fully sensible of their existing obligations towards the Indians; and though it was a departure from their uniform policy, it was a qualified departure, which might be justified by the strong desire felt by the general government to do justice to the claims of the aborigines, undisturbed by the interference of a state government, which had adopted such peculiar notions as to its rights and its obligations. At that era, most of the Indian tribes within the undisputed limits of the old thirteen states, had lost their independent character. Only in that part of the country to which the United States, and Georgia, had laid mutual claim, existed independent Indian tribes, with whom the general government had formed treaties guaranteeing their possessions, and defining their respective rights. In the new states, and in the United States territory, these rights were defined by compact and agreements. As these southern Indians occupied territory claimed by the United States and by Georgia, in agreeing upon the dividing line, and mutually ceding to each, the territory on the respective sides of that line; the United States and Georgia also agreed upon the manner and the agency by which the Indian titles should be extinguished.

In assenting to that agreement, the general government

afforded another proof of its extreme desire to conciliate and persuade, instead of coercing. Its title to a great portion of the ceded territory was unquestionable ; and to the residue, as well as to a large portion within the present limits of the state of Georgia, it had a claim supported upon infinitely stronger grounds than a parchment to a royal deputy. The only consideration therefore, to the United-States for the obligations they assumed, was the desire of the general government to preserve the harmony of the country, and this especially, was the consideration for their agreement to extinguish the Indian title.

This agreement was necessarily qualified by the subsisting obligations of the United States, and if the fair and faithful fulfilment of their Indian treaties, compelled them to perpetuate the aboriginal claim to the soil ; the complete performance of their agreement with Georgia, was not only postponed, but its postponement was expressly provided for by the terms of that agreement.

The treaty-making power presented the means, and the only means of performance on the part of the United States, and the prohibition of that power to any separate state, prevented all interference on the part of Georgia.

In this manner was finally adjusted all the territorial claims of the United States by cessions on the part of the states having claims to the back lands. What would have been the result of this business without such compromises, it is unnecessary to enquire. The want of some efficient tribunal to determine upon the titles of the conflicting claimants, and to enforce the rights of the confederacy, induces the belief that the law of the strongest would have prevailed. It is, however, less difficult to define the rights of the respective parties.

They did not depend, upon the obscure and equivocal terms of grants from a monarch on the opposite side of the Atlantic. These were only evidences, together with royal

proclamations, legislative acts, and Indian purchases, of what had been the customary and constitutional jurisdiction of the local legislatures, and testimony by no means conclusive as to limits and boundaries, still less as to sovereignty and property in the soil. Those rested upon stronger foundations—upon the right which God had given to man to occupy and cultivate the earth; upon the right which the colonists had acquired by their labour in reclaiming the wilderness, and their valour in defending it against their foes, whether civilized or savage. Upon these immutable rights they relied, when the British ministers acting upon these common law doctrines, which gave effect to the royal charters, undertook to make them the Helots of the empire. From that moment they commenced their political existence upon a new principle. Their charters, excepting where altogether independent of the crown, were thrown aside as from a polluted source; their independence was declared; and upon their own right hands, under a protecting Providence, they depended for the vindication of their freedom and property.

These, together with a certain participation in their local legislation, belonged to them before the revolution. Their acquisitions were entire independence; the right of regulating their relations with foreign powers, and Indian tribes; sovereignty over the territory within the boundaries described in the treaty of peace with Great Britain, and the right of extinguishing the Indian title within those limits, with the consent of the aborigines. These acquisitions were made by the common efforts of the United States, and became vested in the people of the country represented in congress, according to the articles of confederation. In these articles will be found the provisions, by which the powers of the general government over those acquisitions were defined. Afterwards, these powers were more clearly

defined, and other powers over certain subjects of local legislation, granted to congress by the federal constitution. In neither of these instruments, from the difficulty of determining upon a satisfactory method of arranging the matter, was any provision inserted concerning territorial acquisitions; but the rights and claims of all parties were reserved for amicable adjustment. They are now settled by tacit or express agreement between the general and local governments, and after a fair and impartial examination of the charters and other evidences by which the states proved their titles to the territories under their jurisdiction when provinces.

In agreeing upon the lines between those territories and the back lands to which the Indian title had not been extinguished, and of which the ultimate dominion had belonged to the crown until it was ceded to the United States in their confederate character, the general government has invariably shown itself more desirous of preserving the harmony of the country, and of consulting the reasonable expectations of the several states, than of maintaining its own territorial rights. This disposition was particularly manifested in the agreement with Georgia. If the western line of that state had been prescribed only with a reference to the right of Georgia, as established by her charter, and the other evidences of title cited in behalf of the state, it would have been run in the following manner, viz :—Beginning at the south boundary of North Carolina about the 84th degree of longitude, and thence along the Apalachian ridge to the head of the Ocmulgee, or the southern branch of the Alatamaha, and down that river to the great turn to the east opposite Jacksonville, and thence in a straight line to the head of the St. Mary's river. A line which would have run through the present centre of the state, and east of the Creek and Cherokee reservations.



To the territory east of this line, and to that only, Georgia had an unquestionable title. All the rest was an acquisition from Great Britain ; and that it was considered so even by Georgia herself is manifest from the fact, that in the agreement of 1802, the commissioners of that state thought it necessary to procure from the United States a cession of its title to the territory east of the line actually agreed upon.

No cession on the part of the Union was thought necessary in any of the territory reserved by the other states, excepting in the case of the north-west reservation by Connecticut. Here was a reservation of claims beyond the unquestioned limits of a state, similar to the reservation of the Georgia claim to the territory between her legitimate boundary and her boundary by compact, and to both the United States ceded their title ; conveying to Connecticut, the property in the soil, and to Georgia the sovereignty and property, subject to the Indian title, which was to be extinguished by the United States, when it could be done consistently with their previous engagements. Until that be done, the sovereignty of Georgia over that territory is not complete. This is a consequence of her acceptance of territory beyond her unquestionable limits, by a cession from the United States, and to which she is partially subject in common with the other states erected wholly out of the territory of the United States. She has indeed this advantage over them, that the United States are bound to extinguish the Indian title for the benefit of the state ; but this agreement is subject to so many conditions and limitations, that in truth, the claims of Georgia under it, are wholly dependent upon the decision of the Creeks and Cherokee nations. If that consent can be fairly obtained, it certainly will be. The same liberal feeling on the part of the general government, which created the claims of Georgia, will not but cause them to be satisfied, if it can be done

consistently with the previous obligations of the United States.

If not, the land lottery should be postponed to a more convenient season. The obligations of congress to their constituents and to mankind, are of a most imperious nature. To their care the national honor and public faith are entrusted, and whatever may be the extremity, let it always be remembered that JUSTICE should come before GENEROSITY.

## APPENDIX

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(A)

*A copy of the Proclamation of the Governor of Virginia, granting lands on the Ohio, was sent to Governor Hamilton, of Pennsylvania, who wrote a letter in reply, of which the following is an extract.*

Dated the 13th of March, 1754. "The invasions, &c. having engaged me to inquire very particularly into the bounds and extent of this province westwardly; I have from thence the greatest reason to believe that the fort and lands, intended to be granted, are really within the limits of Pennsylvania."

"March 21st, 1754, governor Dinwiddie writes in reply, 'I am much misled by our surveyors, if the forks of Monongialo be within the limits of your Proprietor's grant; I have for some time wrote home to have the line run, to have the boundaries properly known, that I may be able to appoint magistrates on the Ohio, (if in this government,) &c.'"

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*Extract from a Message delivered by Governor Delancy to the Assembly of New-York, April 24, 1754.*

"I look on the late attempts of the French to be an encroachment upon his Majesty's undoubted territory. The lands lying between the Seneca's country, the lake Erie, and the river Ohio, formerly belonged to a nation of Indians, called the Eries, whom the five nations conquered and extirpated, and thus became masters of their lands; and by the treaty of Utrecht the French acknowledged those Indians called the Five Nations, or Cantons, to be subjects of the dominion of Great Britain; and, therefore, the two forts the French have built, are evidently an invasion of his Majesty's territories, though, perhaps, not so clearly within the limits of any colony in particular: but from the idea I have formed to myself of that part of the country, those forts seem to be within the Pennsylvania government."

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(B)

*Extract from a Circular Letter from the Continental Congress to their Constituents, unanimously adopted Sept. 13, 1799.*

"Whether the United States have put themselves in a political capacity to redeem their bills, is a question which calls for more full discussion.

"Our enemies, as well foreign as domestic, have laboured to raise doubts on this head. They argue that the confederation of the states remains yet to be perfected; that the union may be dissolved, Congress be abolished, and each state, resuming its delegated powers, proceed in future to hold and exercise all the rights of sovereignty appertaining to an independent state. In such an event, say they, the continental bills of credit, created and supported by the union, would die with it. This position being assumed, they next proceed to assert this event to be probable, and in proof of it, urge our divisions, our parties, our se-

parate interests, distinct manners, former prejudices, and many other arguments equally plausible and equally fallacious. Examine this matter.

“For every purpose essential to the defence of these states in the progress of the present war, and necessary to the attainment of the objects of it, these states now are as fully, legally, and absolutely confederated, as it is possible for them to be. Read the credentials of the different delegates who composed the Congress in 1774, 1775, and part of 1776. You will find that they establish an union for the express purpose of opposing the oppressions of Britain, and obtaining redress of grievances. On the 4th of July, 1776, your representatives in Congress, perceiving that nothing less than unconditional submission would satisfy our enemies, did, in the name of the people of the thirteen United Colonies, declare them to be free and independent states, and ‘for the support of that declaration, with a firm reliance on the protection of Divine Providence, did mutually pledge to each other their LIVES, their FORTUNES, and their SACRED HONOR.’ Was ever confederation more formal, more solemn, or explicit? It has been expressly assented to and ratified by every state in the union. Accordingly, for the direct support of this declaration, that is, for the support of the independence of these states, armies have been raised, and bills of credit emitted, and loans made, to pay and supply them. The redemption, therefore, of these bills, the payment of these debts, and the settlement of the accounts of the several states for expenditures or services for the common benefit, and in this common cause, are among the objects of this confederation; and consequently, while all or any of its objects remain unattained, it cannot, so far as it may respect such objects, be dissolved, consistent with the laws of God or man.

“But we are persuaded, and our enemies will find that our union is not to end here. They are mistaken when they suppose us kept together only by a sense of present danger. It is a fact which they only will dispute, that the people of these states were never so cordially united as at this day. By having been obliged to mix with each other, former prejudices have worn off, and their several manners become blended. A sense of common permanent interest, mutual affection, (having been brethren in affliction,) the ties of consanguinity daily extending, constant reciprocity of good offices, similarity in language, in governments, and therefore in manners, the importance, weight and splendour of the union, all conspire in forming a strong chain of connexion, which must for ever bind us together. The United Provinces of the Netherlands, and the United Cantons of Switzerland, became free and independent under circumstances very like ours; their independence has been long established, and yet their confederacies continue in full vigour. What reason can be assigned why our union should be less lasting? or why should the people of these states be supposed less wise than the inhabitants of those? You are not uninformed that a plan for a perpetual confederation has been prepared, and that twelve of the thirteen states have already acceded to it. But enough has been said to show that for every purpose of the present war, and all things incident to it, there does at present exist a perfect solemn confederation, and therefore that the states now are and always will be in political capacity to redeem their bills, pay their debts, and settle their accounts.”

(C)

“OCTOBER 26, 1787.—Instructions to the Commissioners for negotia-

ting a treaty with the Tribes of Indians in the Southern Department, for the purpose of establishing Peace between the United States and the said tribes.

"GENTLEMEN,

"Several circumstances rendering it probable that hostilities may have commenced, or are on the eve of commencing, between the state of North Carolina and the Cherokee nation of Indians, and between the state of Georgia and the Creek nation of Indians, you are to use every endeavour to restore peace and harmony between the said states and the said nations, on terms of justice and humanity.

"The great source of contention between the said states and the Indian tribes, being boundaries, you will carefully inquire into and ascertain the boundaries claimed by the respective states. And although Congress are of opinion that they might constitutionally fix the bounds between any state and an independent tribe of Indians, yet unwilling to have a difference subsist between the general government and that of the individual states, they wish you so to conduct the matter, that the states may not conceive their legislative rights in any manner infringed; taking care at the same time that whatever bounds are agreed upon, they may be described in such terms as shall not be liable to misconstruction and misrepresentation, but may be made clear to the conceptions of the Indians as well as whites.

"The present treaty having for its principal object the restoration of peace, no cession of land is to be demanded of the Indian tribes."

(D)

*Instructions from the general assembly of Maryland to their Delegates in Congress, directing them not to ratify the articles of Confederation. Dec. 15, 1778.*

"We think it our duty to instruct on the subject of the confederation, a subject in which, unfortunately, a supposed difference of interest has produced an almost equal division of sentiments among the several states composing the union. We say a supposed difference of interests, for if local attachments and prejudices, and the avarice and ambition of individuals, would give way to the dictates of a sound policy, founded on the principles of justice (and no other policy but what is founded on those immutable principles deserves to be called sound) we flatter ourselves, this apparent diversity of interests would soon vanish, and all the states would confederate on terms mutually advantageous to all; for they would then perceive that no other confederation than one so formed can be lasting. Although the pressure of immediate calamities, the dread of their continuance from the appearance of disunion, and some other peculiar circumstances, may have induced some states to accede to the present confederation, contrary to their own interests and judgments, it requires no great share of foresight to predict, that when those causes cease to operate, the states which have thus acceded to the confederation will consider it as no longer binding, and will eagerly embrace the first occasion of asserting their just rights, and securing their independence. Is it possible that those states who are ambitiously grasping at territories, to which in our judgment they have not the least shadow of exclusive right, will use with greater moderation the increase of wealth and power derived from those territories, when acquired, than what they have displayed in their endeavours to acquire them? We think not. We are convinced the same spirit which prompted them to insist on a claim so extravagant, so repugnant to every principle of justice, so incompatible with the general welfare

of all the states, will urge them on to add oppression to injustice. If they should not be incited by a superiority of wealth and strength to oppress by open force their less wealthy and less powerful neighbours ; yet depopulation, and consequently the impoverishment of those states will necessarily follow, which, by an unfair construction of the confederation, may be stripped of a common interest, and the common benefits derivable from the western country. Suppose, for instance, Virginia indisputably possessed of the extensive and fertile country to which she has set up a claim, what would be the probable consequence to Maryland of such an undisturbed and undisputed possession ? They cannot escape the least discerning.

“ Virginia, by selling on the most reasonable terms a small proportion of the lands in question, would draw into her treasury vast sums of money ; and in proportion to the sums arising from such sales, would be enabled to lessen her taxes. Lands comparatively cheap, and taxes comparatively low, with the lands and taxes of an adjacent state, would quickly drain the state thus disadvantageously circumscribed of its most useful inhabitants ; its wealth and its consequence in the scale of the confederated states would sink of course. A claim so injurious to more than one half, if not to the whole of the United States, ought to be supported by the clearest evidence of the right. Yet what evidences of that right have been produced ? What arguments alleged in support either of the evidence or the right ? None that we have heard of deserving a serious refutation.

“ It has been said, that some of the delegates of a neighbouring state have declared their opinion of the impracticability of governing the extensive dominion claimed by that state. Hence also the necessity was admitted of dividing its territory, and erecting a new state under the auspices and direction of the elder, from whom no doubt it would receive its form of government, to whom it would be bound by some alliance or confederacy, and by whose councils it would be influenced. Such a measure, if ever attempted, would certainly be opposed by the other states as inconsistent with the letter and spirit of the proposed confederation. Should it take place by establishing a sub-confederacy, *imperium in imperio*, the state possessed of this extensive dominion must then either submit to all the inconveniences of an overgrown and unwieldy government, or suffer the authority of Congress to interpose at a future time, and to lop off a part of its territory, to be erected into a new and free state, and admitted into the confederation on such conditions as shall be settled by nine states. If it is necessary for the happiness and tranquillity of a state overgrown, that Congress should hereafter interfere and divide its territory, why is the claim to that territory now made, and so pertinaciously insisted on ? We can suggest to ourselves but two motives ; either the declaration of relinquishing at some future period a proportion of the country now contended for, was made to lull suspicion asleep, and to cover the designs of a secret ambition, or, if the thought was seriously entertained, the lands are now claimed to reap an immediate profit from the sale. We are convinced, policy and justice require, that a country unsettled at the commencement of this war, claimed by the British crown, and ceded to it by the treaty of Paris, if wrested from the common enemy by the blood and treasure of the thirteen states, should be considered as a common property, subject to be parcelled out by Congress into free, convenient, and independent governments, in such manner and at such times as the wisdom of that assembly shall hereafter direct.

question. It cannot be supposed the state has the powers mentioned, without making the recited clause useless, and without absurdity in theory as well as in practice; for the Indian tribes are justly considered the common friends or enemies of the United States, and no particular state can have an exclusive interest in the management of affairs with any of the tribes, except in some uncommon cases. The committee find it difficult to reconcile the said construction of the recited clause, made by the two states, and their proceedings before mentioned, especially those of Georgia, with what they conceive to be the intentions of those who made the said motion; for the committee presume that the delegates of Georgia do not mean that Congress is bound to send their forces to punish such nations as the state shall name, to act in aid of the state authority; to send her forces and recall them as she shall see fit, to make war or peace; such an idea cannot be consistent with the dignity of the union, and the principles of the federal compact. But the committee conceive that it is the opinion of the honourable movers, and also the general opinion, that all wars and hostile measures against the Creeks, or any other independent tribe of Indians, ought to be conducted under the authority of the union, at least where the forces of the union are employed, that the power to conduct a war clearly implies the power to examine into the justice of the war, to make peace, and adjust the terms of it; and that, therefore, the terms or words of the said motion, if it be adopted by Congress at all, must be varied accordingly. But whatever may be the true construction of the recited clause, the committee are persuaded that it must be impracticable to manage affairs with the Indians within the limits of the two states, so long as they adhere to the opinions and measures they seem to have adopted. The difficulties, in fact, exist; the states think it is their duty to counteract the powers of Congress, when carried, in conducting affairs with those Indians, beyond those narrow limits which the said states prescribe; the question therefore is, how shall these difficulties be avoided in a manner most agreeable to both Congress and the states? The committee discern but two ways practicable; the one is for the two states to make liberal cessions of territory to the United States; the other is, for those states to accede to Congress's managing, exclusively, all affairs with the Cherokees, Creeks, and other independent tribes within the limits of the said states, so that Congress, in either case, may have the acknowledged power of regulating trade, and making treaties with those tribes, and of preventing on their lands, the intrusions of the white people. That of making liberal cessions of territory, all things considered, appears to be the most eligible, and likely to meet the approbation of the two states; several circumstances induce the committee to think this the best mode; they presume the two states will act on liberal principles, and adopt measures founded in sound policy, and calculated to promote the national interest, they will consider that the lands proposed to be ceded, were arrested from Great Britain by the common exertions of the confederacy and that other states have ceded lands to the union in a similar situation, which are now selling for the common benefit of all the states. The committee conceive that several other considerations cannot escape the observation of the two states, which may be urged in favour of the cessions; among other things of importance to those states, as well as to the union, must be the advantages arising from putting the management of Indian affairs into the hands of Congress alone, and preventing irregular and dispersed settlements on the lands proposed to be ceded. The



committee believe that the two states, upon re-considering the subject, will be disposed to follow the liberal example of the other states in a similar situation, and, especially, as it will probably appear to the two states, that by making the proposed cessions, the difficulties they now experience will be removed, that is, the controversies respecting Indian affairs, and those dispersed settlements which tend to render the governments weak and feeble, and to produce expensive and calamitous wars with the Indians. The committee further observe, on the subjects referred to them, that it is probable the Indians in the southern department will turn their trade to Florida, unless regularly supplied by our citizens and traders; and that the attention of the superintendent in that department ought to be seasonably directed to the encouragement and promotion of a regular trade between our citizens and those Indians. That the dispute between Georgia and the Creeks is become so serious, that it is probable a war will ensue, and the interference of the union become necessary, unless early measures be adopted for settling the controversy respecting the said Oconee lands; the committee think, therefore, that it should be recommended to that state, to use all possible means for preserving peace with the Creeks, and that they and the Cherokees be informed, that Congress are pursuing measures to adjust all disputes about their lands. That Georgia be informed that Congress consider the union bound by the federal compact to protect every part of the nation, as well against the unjust and unprovoked attacks of the independent Indians within the United States, as against foreign powers; that Congress, however, can never employ the forces of the union in any cause, the justice of which they are not fully informed and convinced, nor constitutionally interfere in behalf of the state against any such independent tribe, but on the principle that Congress shall have the sole direction of the war, and the settling of all the terms of peace with such Indian tribe. Whereupon the committee suggest the following resolutions: *Resolved*, That it be, and it hereby is earnestly recommended to the states of North-Carolina and Georgia, to make liberal cessions of territory to the United States, for their common benefit, to be governed and disposed of in the same manner as the territory of the United States, north-west of the river Ohio, is, and shall be governed and disposed of. *Resolved*, That it be recommended to the state of Georgia, to use all possible means to preserve peace and friendship between the citizens of that state and the upper and lower Creek Indians, consistent with the principles of the confederation. *Resolved*, That Congress esteem it their duty to consider the causes and circumstances of any dispute or hostile proceedings between any state, or the citizens thereof, and any Indian tribe or tribe of Indians within the limits of the United States, not members of any of the states, and that Congress is bound to employ the forces of the union to punish any such tribe or tribes which shall make unjust and unprovoked attacks upon any part of the United States. *Resolved*, That the superintendent of Indian affairs in the southern department be directed, without delay, to inform the Creeks and Cherokees, that Congress are pursuing measures for settling all disputes about the lands claimed by them and the white people; that he be directed to inform the Indians in his department, that Congress is always disposed to hear their complaints, which must be made through the superintendent, to redress their grievances, and to preserve peace and lasting friendship with them; and that he be directed to report the measures that have been adopted for supplying those Indians with merchandise.

"Thus convinced, we should betray the trust reposed in us by our constituents, were we to authorize you to ratify on their behalf the confederation, unless it be farther explained: we have coolly and dispassionately considered the subject; we have weighed probable inconveniences and hardships against the sacrifice of just and essential rights; and do instruct you not to agree to the confederation, unless an article or articles be added thereto in conformity with our declaration. Should we succeed in obtaining such article or articles, then you are hereby fully empowered to accede to the confederation."

(E)

*Report of a Committee to which was referred certain Papers relative to the Indian affairs, and a motion of the Delegates from Georgia, August 3d, 1787.*

"That the said papers referred to them state, first, that certain encroachments are made on the lands of the Creek and Cherokee nations, by the people of Georgia and North Carolina. Secondly, that there is no regular trade between our citizens and the Indian nations in that department, by which those nations can obtain a certain supply of goods, arms, &c.; that these nations wish to have connexions with the United States only: that their necessities, however, are such, that if they cannot be regularly supplied by our traders, they must listen to the repeated invitations made them to turn their trade to, and to seek supplies from another quarter. That the said motion, among other things, states, that there is reason to apprehend the Creek Indians are meditating a serious blow against the inhabitants of Georgia; and proposes, that it be recommended to that state to use every possible means to preserve peace between her citizens and those Indians; and that Congress resolve, they are bound to draw forth a sufficient number of the forces of the union to punish any nation or tribe of Indians that shall attempt to make war on either of the United States, by attacking or killing any of their citizens. On these subjects the committee observe, that the encroachments complained of, appear to demand the serious attention of Congress, as well because they may be unjustifiable, as on account of their tendency to produce all the evils of a general Indian war on the frontiers. The committee are convinced that a strict inquiry into the causes and circumstances of the hostilities often committed in and near the frontier settlements, ought to be made; that it is become necessary for government to be explicit and decisive; and to see that impartial justice is done between the parties; that justice and policy, as well as the true interests of our citizens, evince the propriety of promoting peace and a free trade between them and the Indians.— Various circumstances show, that the Indians in general, within the United States, want only to enjoy their lands without interruption, and to have their necessities regularly supplied by our traders, and could these objects be effected, no other measures would, probably, be necessary for securing peace, and a profitable trade with those Indians. The committee are not informed what measures have been adopted by the superintendents to promote a regular trade between our people and the Indian nations, or for preventing intrusions upon the lands of the latter, several tribes complain that their land is taken from them, and that they suffer very much for want of such trade. As information relative to these subjects must, principally, come from the frontier settlers, the Indians and traders residing among them, the committee are sensible that facts cannot always be well ascertained; but in the pre-

sent case there is sufficient evidence to show, that those tribes do not complain altogether without cause. An avaricious disposition in some of our people to acquire large tracts of land, and often by unfair means appears to be the principal source of difficulties with the Indians.— There can be no doubt that settlements are made by our people on the lands secured to the Cherokees by the late treaty between them and the United States; and also on lands near the Oconee, claimed by the Creeks; various pretences seem to be set up by the white people for making those settlements, which the Indians, tenacious of their rights, appear to be determined to oppose. The respective titles cannot readily be investigated; but there is another circumstance far more embarrassing, and that is, the clause in the confederation relative to managing all affairs with the Indians, &c., is differently construed by Congress and the two states within whose limits the said tribes and disputed lands are. The construction contended for by those states, if, right, appears to the committee to leave the federal powers, in this case, a mere military; and to make it totally uncertain on what principle Congress is to interfere between them and the said tribes. The states not only contend for this construction, but have actually pursued measures in conformity to it. North Carolina has undertaken to assign land to the Cherokees, and Georgia has proceeded to treat with the Creeks concerning peace, lands, and the objects usually the principal ones in almost every treaty with the Indians. This construction appears to the committee not only to be productive of confusion, disputes, embarrassments in managing affairs with the independent tribes within the limits of the states, but by no means the true one. The clause referred to is—“ Congress shall have the sole and exclusive right and power of regulating the trade and managing all affairs with the Indians, not members of any of the states; provided that the legislative right of any state, within its own limits, be not infringed or violated.” In forming this clause, the parties to the federal compact, must have had some definite objects in view; the objects that come into view, principally, in forming treaties, or managing affairs with the Indians, had been long understood, and pretty well ascertained in this country. The committee conceive that it has long been the opinion of the country, supported by justice and humanity, that the Indians have just claims to all lands occupied by, and not fairly purchased from them; and that in managing affairs with them, the principal objects have been those of making war and peace, purchasing certain tracts of their lands, fixing the boundaries between them and our people, and preventing the latter settling on lands left in possession of the former. The powers necessary to these objects appear to the committee to be indivisible, and that the parties to the confederation must have intended to give them entire to the union, or to have given them entire to the state. These powers, before the revolution, were possessed by the king, and exercised by him, nor did they interfere with the legislative right of the colony within its limits; this distinction which was then, and may be now taken, may perhaps serve to explain the proviso, part of the recited clause. The laws of the state can have no effect upon a tribe of Indians, or their lands, within the limits of the state, so long as that tribe is independent, and not a member of the state, yet the laws of the state may be executed upon debtors, criminals, and other proper objects of those laws, in all parts of it; and therefore the union may make stipulations with any such tribe, secure it in the enjoyment of all or part of its lands, without infringing upon the legislative right in

